

Office of
The County Attorney
MONTHLY REPORT



Charles W. Thompson, Jr.
County Attorney

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County Attorney's Monthly Report

Montgomery County, Maryland

INDIVIDUAL CASE REPORTS

ADMINISTRATIVE ACTIONS

Board of Appeals

GREENACRES V. BOA

Board dismissed petition for riding stable special exception due to failure to meet acreage requirements. Petitioner sought refund of filing fees and appealed dismissal to Circuit Court. County moved to intervene for limited purpose of moving to dismiss appeal based upon Petitioner's inconsistent position. Parties filed consent motion for stay of appeal pending possible legislative solution. Court granted the County's motion to dismiss. The parties then moved to set aside the ruling because the case was to be stayed. That motion was granted. The Petitioner, Green Acres, has filed a motion to stay the case to allow the Council to address the issue. The stay has been granted. The Petitioner is seeking changes to the law that will allow the proposed riding stable use. (ROYALC)

Board of License Commissioners

ASUNCION V. BOARD OF LICENSE COMMISSIONERS

CCMC, Civil No. 242987, WMS No. 03-2215. Appeal of decision of Board of License Commissioners finding that the licensee sold alcohol to a minor and suspending the license for 14 days. Petition filed June 4, 2003. Response to petition filed July 10, 2003. *Petitioner's Memorandum filed August 28, 2003. Respondent's Memorandum filed November 18, 2003. Judge Rowan (FERBEB)

BALDINI ET AL. BOARD OF LICENSE COMMISSIONERS

CCMC, Civil No. 244310, WMS No. 03-2217. Appeal of decision of Board of License Commissioners finding that the licensees sold alcohol to minors and intoxicated persons and imposing a 14-day suspension for the sales to minors and a \$10,000 fine for the sales to intoxicated persons. Petition filed July 23, 2003. *Response to Petition filed Sept. 5, 2003. Petitioners' Memorandum filed February 13, 2004. Oral Hearing Scheduled for April 29, 2004. Judge Debelius (FERBEB)

FLORES, ET AL. V. BOARD OF LICENSE COMMISSIONERS

CCMC, Civil No. 244226, WMS No. 03-2213. Appeal of decision of Board of License Commissioners finding that the licensees permitted the licensed premises to be used for the sale of controlled dangerous substances on three separate occasions and suspending the license for a total of 60 days. Petition filed July 17, 2003. * Response filed August 15, 2003. Petitioners' Memorandum filed October 14, 2003. Case dismissed with prejudice February, 2004. (FERBEB)

SOLLOSO V. BOARD OF LICENSE COMMISSIONERS

* Appeal of decision of Board of License Commissioners finding that licensees sold or served alcohol to three intoxicated persons, and to two underage persons, and, in light of these and prior violations, revoked the licensees' license to serve alcohol. Petition filed October 9, 2003. Response filed November 17, 2003. Petitioners' Memorandum on Appeal filed January 14, 2004. Respondent's Memorandum filed February 23, 2004. Hearing scheduled for March 18, 2004. (FERBEB)

County Council

HUMPHREY APPEAL

Appeal of Planning Board decision to approve site plan and preliminary plan. Appeal challenges validity of ZTA 02-04. Circuit Court granted appeal, finding ZTA 02-04 unconstitutional. None of the parties appealed the ruling. *Applicant has re-filed with the Planning Board. (ROYALC)

NATIONAL SENIORS HOUSING

National Seniors appealed Council's decision to deny its zoning reclassification. County memorandum was filed October 27, 2003. Hearing held on December 3, 2003. Circuit Court affirmed Council decision. No appeal has been filed. (ROYALC)

County Executive

OFFICE OF PEOPLE'S COUNSEL V. VERIZON

The County has intervened in a matter before the Public Service Commission to challenge a 9.5% surcharge that Verizon has added to the bills of County residents. The PSC has bifurcated the case and will expedite a decision on the legal authority of Verizon to add the surcharge. The parties briefed the arguments and appeared before the PSC on October 1. At that time, the parties asked for a continuance of the hearing so that they could review a settlement proposal from Verizon. The parties have agreed, in principle, to a settlement. Settlement agreement executed and filed with the PSC. The PSC approved the settlement. *Case dismissed. (ROYALC)

Department of Housing and Community Affairs

APPEAL OF KUO

Kuo appealed condemnation notice for building in Silver Spring. Board dismissed appeal. Board of Appeals denied appeal. Time for appealing that decision to the Circuit Court has expired. Kuo has retained contractor to remove asbestos from building and is marketing the property. Kuo has applied for a building demolition permit and plans to proceed with the demolition. (ROYALC)

PETITION OF SLOANS

Sloans challenged DHCA's decision to refuse to renew Sloans' secondhand personal property dealer's license. Sloans filed TRO and administrative appeal in Circuit Court. TRO was denied. Appeal is pending. Sloans has filed for bankruptcy protection and has not yet further pursued the matter. Sloan's sold its name and assets to purchase group that includes one insider. Bankruptcy case will be converted to a Chapter 7 liquidation. Circuit court appeal has been dismissed. Sloans is now operating under a new name. The new Sloans entity has filed an application for a new license. The license was granted. Sloans' trustee has notified the County of his intent to assert a claim against the County for denying the original license. (ROYALC)

Department of Libraries

THACKSTON V. DAVIS COMMUNITY LIBRARY

Thackston filed a complaint with the Maryland Human Relations Commission alleging denial of public accommodation. County has responded. Thackston has withdrawn the complaint. (ROYALC)

Merit System Protection Board

NASH, WENDY V. MONTGOMERY COUNTY MERIT SYSTEM

CCMC Civil No. 238520. Administrative appeal of the award of attorney fees by the Merit System Protection Board. Oral argument December 6. Verbal settlement reached December 4. Awaiting draft settlement from other counsel. Settlement executed 2/9/04. Case closed. (WINDLA)

Office of Human Resources

FOREMAN, CHRISTIAN

PETITION OF CHRISTIAN FOREMAN FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY MERIT BOARD IN MSPB CASE NO. 00-03. CCMC Civil No. 245487. Appeal from a Merit Board decision denying a promotional grievance. Petitioner's memorandum filed on October 10, 2003. The County's memorandum is due on November 14, 2003. Hearing scheduled for February 4, 2004. (STEVED)

HEINRICH, GEORGE

PETITION OF GEORGE HEINRICH FOR JUDICIAL REVIEW OF THE DECISION OF THE COUNTY MERIT SYSTEM PROTECTION BOARD IN MSPB CASE NO. 00-09. CCMC Civil No. 245046. Appeal from the Merit Board's decision declining to order a retroactive promotion as a remedy in a Grievance regarding a failure to promote. Petitioner's memorandum filed on October 24, 2003. The County's memorandum is due on December 2, 2003. Hearing has not yet been scheduled. (STEVED)

APPEALS

Board of Appeals

FREESTATE AVIATION ASSOCIATES V. BOARD OF APPEALS

CA No.; CSA No. 2734; CCMC No. 232084. Appeal from Board of Appeals' decision affirming DPS view that construction at the MC Airpark required building permits. Construction performed by lessee at Airpark. Appellant's brief filed; County's brief filed Sept. 24; oral argument November 12. CSA affirmed in an unreported decision January 5, 2004. *Petition for writ of certiorari filed. Awaiting Court of Appeals' decision on petition. (FEDERK)

VENTOURIS V. BOARD OF APPEALS

CSA No. 2163; CCMC No. 242760. Appeal from circuit court decision affirming denial of an application for a variance. *Circuit Court affirmed the Board of Appeals. Appellant has appealed to the Court of Special Appeals. (ROYALC)

Board of Education

BOARD OF EDUCATION V. HORACE MANN INSURANCE CO.

CSA No. 285, CCMC No. 222848. Insurance company sued BOE and SIF seeking declaratory judgment that BOE had a duty to defend and indemnify a teacher whom a student alleged had sexually abused him. The circuit court granted summary judgment in favor of the plaintiff, and the County filed an appeal to the CSA on 4/17/2003. CSA affirmed circuit court on 12/30/03. *Petition for cert filed on 2/13/04. (BURRES)

Commission on Landlord Tenant Affairs

HOAGE V. MONTGOMERY COUNTY

CSA No. 2102, CCMC, Civil No. 229046. Petitioner appealed from COLTA order to return security deposit plus penalty. Petitioner challenged Commission authority and jurisdiction to have held an administrative hearing in the case. Circuit court issued written decision affirming the Commission's Decision and Order on November 8, 2002, and Petitioner appealed to the CSA. At Hoage's request, brief due date extended from April 22 to June 6; County's response filed July 7; no oral argument will be held. *CSA affirmed 2/24/04. (FEDERK)

Department of Corrections and Rehabilitation

SHERRI TURNER V. MONTGOMERY COUNTY ET AL.

*Fourth Circuit No.; USDC No. AW-01-CV-1408. Appeal from district court grant of summary judgment in favor of County defendants. Plaintiff sued for violation of civil rights related to her arrest and strip search. Appellee's brief due 3/31/04. (BURRES)

Department of Finance

HEARTWOOD 88 V. MONTGOMERY COUNTY

CSA No. 2489, CCMC No. 227606. Appeal to CSA from circuit court's declaratory judgment in favor of the County regarding whether County owes interest to property owner due to invalid tax sale. Interpretation of State law led to a conclusion that the County did not owe additional monies to the owner. Briefs filed; oral argument October 9, 2003. Awaiting CSA decision. (FEDERK)

MOORING TAX ASSET GROUP V. MONTGOMERY COUNTY

CSA No. 1145, CCMC No. 233314. Appeal from circuit court determination that tax sale purchaser was not entitled to redemption rate of interest on void sale. County has cross-appealed from the circuit court denial of the request to return to the County the interest paid on the refund of the purchase price, because no statute provides for interest in this situation. *CSA approved extended filing schedule: appellant's brief due March 15; County's brief due April 14; oral argument June 2004. (FEDERK)

Department of Health and Human Services

MARKS V. MONTGOMERY COUNTY

CSA No. 1875; CCMC No. 219006. Appeal from grant of summary judgment in favor of County. Prehearing information report filed, and request for prehearing conference submitted to CSA to address preliminary issues. Court issued show cause order to Plaintiff and he responded. Court issued order allowing appeal to go forward. Marks filed motion to lengthen page limit of briefs to 50 pages. Appellant's brief filed October 31; County's brief filed Dec. 15, per request for extension; no oral argument to be held. *Awaiting CSA decision. (VIAPP)

RIOS V. MONTGOMERY COUNTY

CSA No. 934, CCMC No. 223798. Suit filed against Montgomery County and doctor for alleged medical malpractice in delivery of child in 1991. Circuit Court granted the motion to dismiss for failure to serve notice on the County for 10 years. Plaintiff appealed to the CSA. Appellant's brief due November 26; County's brief due December 26; oral argument February 4, 2004. *Awaiting CSA decision. (FEDERK)

Department of Housing and Community Affairs

MARYDALE REALTY MANAGEMENT V. COMMISSION ON LANDLORD-TENANT AFFAIRS

CSA No.; CCMC No. 24283. Appeal from circuit court decision affirming decision of the Commission on Landlord-Tenant Affairs. The issue involves the determination of whether the tenants provided timely notice of their intent to terminate the lease. Awaiting schedule from CSA. (FEDERK)

MBAKPUO V. MONTGOMERY COUNTY

CSA No. 1106, CCMC No. 238894. Appeal from decision of the Commission on Landlord-Tenant Affairs denying appellant's application for a license to operate three rental properties. Circuit Court affirmed revocation. *Appellant's brief filed January 27; County's brief due February 26; no oral argument will be held. Awaiting CSA decision. (FEDERK)

Department of Police

ERNESTO GUERRA V. MONTGOMERY COUNTY

*CSA No.; CCMC No. 245014. Plaintiff filed suit based on injuries suffered when a police officer shot him while trying to remove plaintiff from a stolen vehicle. Claims for constitutional violations, assault, and gross negligence all failed and the circuit court granted the defendants' motion for summary judgment in favor of defendants. Plaintiff appealed to CSA. Awaiting scheduling order. (BURRES)

GUERRA V. MONTGOMERY COUNTY

USCA Fourth Circuit, DCMd. No. RDB-02-CV-1995. Plaintiff sued the County and a police officer because the officer accidentally shot plaintiff in face when attempting to remove him from a stolen car. Plaintiff sued in federal court alleging federal constitutional claims. The district court dismissed all the federal claims with prejudice, but dismissed the state claims without prejudice, giving plaintiff opportunity to refile in state court. Plaintiff appealed. Telephone mediation held on 11/17/03. Awaiting new briefing schedule. (BURRES)

MICHAEL KESELICA V. MONTGOMERY COUNTY ET AL.

*CSA No.; CCMC No. 245955. Appeal from grant of motion to dismiss filed by County defendants. Plaintiff filed suit based on allegations of an illegal seizure of property from his vehicle. County and Police Department dismissed; individual defendants not served. Awaiting prehearing information report. (BURRES)

MONTGOMERY COUNTY V. FALCINELLI

CSA No. 522, CCMC 236641. This case arises from a promotional examination for police lieutenant. The grievance challenged the discrepancy between scores on the first exam and the second, given after a flaw was discovered in the instructions given to the candidates. The County appealed the circuit court decision that the second examination was not valid. County's brief filed 10/15/03; appellees' brief filed 11/14/03; oral argument January 8, 2004. *Awaiting CSA decision. (FEDERK)

MOOSE V. FRATERNAL ORDER OF POLICE, MONTGOMERY COUNTY LODGE NO. 35

CA No. 114. Declaratory judgment action to determine whether LEOBR or collective bargaining agreement require police department to conduct 3-person hearing to review a suspension of an officer's police powers with pay. Circuit Court declared that it is required; CA dismissed as not within the jurisdiction of the courts. Motion for reconsideration by FOP pending. (FEDERK)

RICH, SUSAN V. MONTGOMERY COUNTY

Fourth Circuit No. 03-1507; USDC, Civil No. MJG01CV36795. Plaintiff sued Montgomery County, police captain and two animal control officers for violation of her first, fourth, and fourteenth amendment rights arising out of the issuance of civil citations and a search conducted pursuant to an administrative search warrant. Ad damnum \$425,000 compensatory and \$425,000 punitive damages. District court granted summary judgment in favor of County defendants and, after court denied Plaintiff's motion to alter and amend judgment, she filed an appeal to the Fourth Circuit. Oral argument scheduled for Feb. 26, 2004. (BURRE)

Department of Public Works and Transportation

HEERY INTERNATIONAL, INC. V. MONTGOMERY COUNTY

CSA No. 2001; CCMC No. 245047. Plaintiff filed action for temporary restraining order, permanent injunction, and declaratory judgment challenging the County's procurement dispute resolution process regarding claims arising from the Correctional Facility Project. Awaiting schedule. (FEDERK)

Human Relations Commission

CARTER V. WOODMONT COUNTRY CLUB

CSA No. 1189, CCMC No. 234795. Complaint filed by the Carters against Woodmont Country Club for discrimination was dismissed by the Circuit Court based, in part, upon a determination that the County's human rights law does not apply to the private club. The Carters filed an appeal to the CSA. The County filed a motion to intervene or to participate as an amicus curiae, so that the appellate court will have all relevant portions of Chapter 27 before it for review. *Court has granted extension of time for Appellant to file his brief by March 31; oral argument will be held during the June session. County is still awaiting a ruling on its motion to participate. (JONESD)

HRC V. SUMMIT HALL TURF FARM

CSA No. 1728, CCMC No. 240343. Administrative appeal from Human Rights Commission's determination that an employee was treated disparately in regard to discipline. The circuit court held that the Commission erred as a matter of law, despite the fact that the employee made a prima facie case of discrimination. The HRC filed an appeal to the CSA. CSA to proceed without prehearing conference. *Commission's brief filed January 18; oral argument will be in May 2004. (JONESD)

Montgomery County Government

EDWARDS SYSTEM TECHNOLOGY V. CORBIN

CA No. 102. Amicus participation in appeal regarding State law permitting private cause of action in court based on local laws prohibiting discrimination. Oral argument April 4, 2003.

*CA held that the State law permitting a private cause of action based on local laws prohibiting discrimination are constitutional and valid. (FEDERK)

MONTGOMERY COUNTY V. FRANK KRASNER ENTERPRISES

Fourth Circuit No., USDC No. 01-2321. Appeal from District Court decision enjoining the County from enforcing a law that prohibits a facility that receives County funds from holding a gun show on its premises. Fourth Circuit remand case to trial court. * Trial court dismissed one plaintiff, but otherwise reiterated prior ruling. County has appealed again. Awaiting schedule from appellate court. (ROYALC)

STAMOULIS V. CALLITHEA FARM

CSA No. 1127, CCMC No. 238801. Appeal from entry of declaratory judgment in favor of County and other defendants declaring that transfer of property did not trigger the right of first refusal provision in the deed. Appellant's brief filed December 8, 2003; County's brief filed January 7, 2004; oral argument *March 1, 2004. (FEDERK)

YOX V. TRU-ROL

CA No. 31. Coordination of amicus participation in case involving when an employee has sufficient knowledge of hearing loss to seek workers' compensation for an occupational disease. Motion to participate and brief filed September 11, 2003. *Awaiting decision. (FEDERK)

Office of Human Resources

C. TIDLER V. MONTGOMERY COUNTY

CSA No. 2615, CCMC No. 234044. Disability retirement case went before arbitrator and then to circuit court. Issue involves the standard of review of an arbitrator's decision in circuit court. Briefs filed; oral argument November 6. *CSA reversed and remanded for completion of case; circuit court did not issue a final judgment eligible for appeal. (FEDERK)

HENNESSY V. MONTGOMERY COUNTY

CSA No. 597, CCMC, Civil No. 237589. Retired Police Lt. Hennessy appealed the MSPB's dismissal of his grievance regarding lack of promotion. The circuit court affirmed and an appeal was filed. Briefs filed; oral argument January 12, 2004. *Awaiting CSA decision. (FEDERK)

LITIGATION

Board of Appeals

FISCHELL, MICHAEL V. MONTGOMERY COUNTY GOV'T BD OF ZONING APPEALS

DCMC, Case No. 0601-0024207-2003. WMS#03-3336. Plaintiff seeking to recover attorney's fees he incurred successfully fighting a variance request erroneously approved by the Board of Appeals. Ad damnum \$5,000. *We are filing motion to dismiss. Trial 4/15/04. (ROBERJ)

Board of Education

ABNEY, CATHERINE V. BOARD OF EDUCATION

DCMC, Case No. 0601-0017206-2003. Pro se Plaintiff filed a lawsuit against BOE for two separate incidents. She alleges that on 4/25/01 the teacher intentionally did not provide the mat for her daughter to land on while jumping off the high beam; and on 5/29/02 a teacher mistreated her daughter and threw a dirty rag on her when she refused to clean up the mess from a food fight. She alleges that her daughter has been abused by teachers and Principal of the school forcing her to take her daughter out of the school. Ad damnum \$25,000. Service has not been perfected, so the case is not proceeding at this time. (COLLIC)

BRANDYS, MARCK V. BROOKS, CHARLENE

CCMC, Civil No. 241284. Plaintiff alleges personal injuries when a school bus failed to stop and rear-ended his vehicle, causing his vehicle to strike the car in front of him. An answer and discovery have been filed. A discovery motion * was filed. Since then the plaintiff has answered and responded to discovery. Ad damnum \$50,000. (FREDEC)

CHRYSOHOIDIS, HARRY/ALLSTATE V. THE FOUNDATION SCHOOLS, INC., ET AL.

*DCMC, Case No. 060200126562003. WMS #04-368. Plaintiff, through insurance company, Allstate, sues for property damage and alleges damage to his vehicle by a bus seat thrown by a student from the window of a school bus. Ad damnum \$1,013.50. Trial April 14, 2004. (ROBERJ)

CURTIS, NATHANIEL V. BOE

USDC, Case No. PJM-00-2687. Plaintiff filed race and sex discrimination case against BOE arising out of his termination. Moved to dismiss. Plaintiff opposed and defendant replied. Court consolidated with Case No. PJM01CV860. Court stayed all proceedings pending the state defamation case, denied the motion without prejudice and administratively closed the case pending the State Court's decision and appeal. State appeal process has concluded and Plaintiff did not prevail. Plaintiff recently filed motion to reopen case since state case had concluded. We filed an opposition.*Court reopened cases and asked parties to file additional memorandum and set hearing on motions for June 14, 2004. (VIAPP)

CURTIS, NATHANIEL V. GILES, ET AL.

USDC, Case No. PJM01CV860. Plaintiff sues numerous BOE employees alleging violation of constitutional property rights in job and liberty interest in reputation without due process. Claims arise out of termination. Ad damnum \$5 million compensatory and \$10 million punitive damages. Request for injunctive and declaratory relief. Moved to dismiss all defendants. Plaintiff filed opposition and cross-motion for summary judgment. Case consolidated with Case No. PJM-00-2687. Court stayed all proceedings and administratively closed case pending State Court's action and appeal. State appeal process concluded and Plaintiff did not prevail. Plaintiff recently filed a motion to reopen case since state case has concluded and *we opposed but court reopened and gave parties time to file additional memorandum. Hearing on motions set for June 14, 2004. (VIAPP)

FLUTE, BERTHA V. DEAN, BARBARA ELIZABETH V. MCILWAIN, RALPH

*CCMC, Civil No. 247691. WMS #02-293. Defendant/Third-Party Plaintiff Dean filed third-party complaint against school bus driver McElwain seeking contribution/ indemnification in motor vehicle negligence suit brought against Dean by bus aide Flute. In underlying action, Plaintiff claims personal injuries due to negligent driving by Dean. Third-Party claim alleges negligent left-turn by school bus driver. Ad damnum \$18,000. Answer filed. Discovery ongoing. (LEONAP)

FOSTER, AMELIA, ET AL. V. GAZUNIS, CAROL, ET AL.

CCMC, Civil No. 246150. WMS #03-2712. Plaintiff filed lawsuit for defamation, wrongful discharge and loss of consortium arising from her alleged wrongful termination of employment by BOE. She claims that she was falsely accused of purposefully sabotaging and disabling the school's computer network. Ad damnum \$500,000 punitive damages and \$400,000 compensatory damages. Answer filed and discovery proceeding. * Plaintiff has filed an amended complaint. (VIAPP)

FULLER, JAYSON V. MONTGOMERY COUNTY BOARD OF EDUCATION, ET AL.

CCMC, Civil No. 240164. Plaintiff, a student at Eastern Middle School, amputated the tip of his index finger while holding a door open for a teacher. The Plaintiff is making a premises liability claim, but also alleges that school and DFRS employees failed to locate and transport his fingertip to the hospital, so that it could be reattached. An answer has been filed for BOE and the school principal. VFIS will represent the County, DFRS and its employees. Discovery is complete and trial is set for April 20, 2004. Ad damnum \$500,000. (FREDEC)

ISENBERG, THERESE/ERIE INSURANCE V. JOHN DOE, ET AL.

DCMC, Case No. 060100185512003. Plaintiff, through insurance company, Erie Insurance Exchange, sues for property damage. It is alleged that Montgomery County vehicle collided with her vehicle on July 3, 2003 at the intersection of Tuckerman Lane and Westlake Terrace in Bethesda. Ad damnum \$1,007.84. *Case dismissed against Montgomery County. The plaintiff has now filed amended complaint to add BOE as defendant. (COLLIC)

KEBEDE, ASRAT/ALLSTATE V. MONTGOMERY COUNTY BOARD OF EDUCATION, ET AL.

DCMC, Case No. 060200164322003. WMS# 03-3081. Plaintiff and insurance company, Allstate, sue BOE and school bus driver for property damage arising out of automobile collision. Ad damnum \$1,093.66. Voluntary dismissal. (MULLOH)

LEE, JEANETTE, ET AL. V. BOARD OF EDUCATION OF MONTGOMERY COUNTY, ET AL.

CCMC, Civil No. 248253. WMS#01-2493. Plaintiff and her mother sue BOE, Montgomery County and Bovis Lend Lease, Inc. for personal injuries suffered by Plaintiff when a large metal post, which was not allegedly secured properly, fell on her head. Ad damnum \$1,500,000. *Montgomery County's motion to dismiss was granted. The BOE remains a party and has filed a cross-claim against 39 defendants for indemnification. (COLLIC)

MENDIRATTA, VISHU T/U/O ALLSTATE V. MONTGOMERY COUNTY, MARYLAND

DCMC, Case No. 060200126482003. Plaintiff, through insurance company, Allstate, sues for property damage. It is alleged that school bus slid through a stop sign and collided with the plaintiff's vehicle as it crossed through the intersection. However, the MVA Report reveals that the plaintiff was at fault. Ad damnum \$ 7,025.85. Counterclaim and Third-party complaint filed seeking reimbursement for damage to school bus. Judgment entered in favor of the Plaintiff. Defendant is taking an appeal based on the Judge's denial of the Defendant's motion for judgment at the close of the Plaintiff's case. Plaintiff failed to prove the contract of insurance. Appeal filed October 20, 2003. *Appeal memo filed. Waiting for responsive memo. (COLLIC)

PARKS, JEFFREY L. V. MONTGOMERY COUNTY SCHOOL

DCMC, Case No. 0601-0023729-2003. WMS #03-3306. Plaintiff claims that he sustained property damage in a motor vehicle accident caused by a school bus. Ad damnum \$2,843.03. Trial January 21, 2004. Filed motion to dismiss based on improper service. Plaintiff amended complaint and voluntarily quashed the original service. Trial date continued pending Plaintiff perfecting service. (COLLIC)

PAYNE, DONALD R. V. NDANGA, JOHN, ET AL.

DCMC, Case No. 060100217202003. WMS #03-3411. Pro se plaintiff filed a lawsuit against YN&N Associates and an official of BOE for loss of wages and dismissal. The Complaint is vague and ambiguous, and does not contain any factual allegations. Ad damnum \$25,000. Motion to dismiss filed. Plaintiff filed a response. *Defendant's motion to dismiss was granted. Case closed. (COLLIC)

QUINTERO, INES/ALLSTATE V. MONTGOMERY COUNTY BOARD OF EDUCATION, ET AL.

DCMC, Case No. 0602-0022918-2003. WMS #03-3304. Plaintiff, through insurance company, Allstate, sues for property damage. It is alleged that a school bus abruptly made a left turn into the path of plaintiff's vehicle, and collided with plaintiff's vehicle. Ad damnum \$527.46. January 7, 2004 trial continued at Plaintiff's request. A counter-claim was contemplated, but the bus was not damaged. * Defense verdict at trial. (FREDEC)

RAMIREZ, JHONY, ET AL. V. MONTGOMERY COUNTY BOARD OF EDUCATION, ET AL.

DCMC, Case No. 060100066472003. Plaintiffs allege personal injuries when a school bus struck the vehicle in which the plaintiffs were passengers. Ad damnum \$10,000. Trial date of 10/22/03 continued and case is to be specially set. Cross-claim added by co-defendant Peyton, driver of other vehicle, also seeks \$10,000. Pre-trial conference 01/30/04. *Trial date 02/27/04. (LEONAP)

RHEA, BRENDA V. MONTGOMERY COUNTY PUBLIC SCHOOLS, ET AL.

CCMC, Case No. 248176. WMS #03-3357. Plaintiff claims personal injuries when school bus allegedly collided with rearend of her vehicle,* pushing her car into Sandy Spring School bus. We removed case to Circuit Court. Ad damnum \$20,000. (ROBERJ)

RYAN, TARA MICHELLE V. MONTGOMERY COUNTY BOARD OF EDUCATION

CCMC, Civil No. 244437. Plaintiff filed Complaint against Board of Education for the personal injuries she suffered when she was required to jump from a school bus emergency exit in an unannounced bus evacuation drill allegedly without proper supervision. Ad damnum \$100,000.* Discovery ongoing. (LEONAP)

STATE FARM/YUDELKA MENA V. ROBY, ELEANOR, ET AL.

*DCMC, Case No. 060100007872004. WMS #04-367. Plaintiff, through insurance company, State Farm, sues for property damage. It is alleged that the school bus struck the plaintiff's vehicle while attempting to back up. Ad damnum \$1,832.91. Trial set for April 14, 2004. Answer filed. (MULLOH)

THOMAS, PRINCESS V. THE BOARD OF EDUCATION OF MONTGOMERY COUNTY

CCMC, Civil No. 248024. WMS #03-3442. Plaintiff originally filed a lawsuit against Montgomery County and alleged that a school bus rear-ended her vehicle when she was stopped at red traffic signal, causing her to enter intersection and collide with a third vehicle. *That case was dismissed without prejudice. The plaintiff has now filed the same case against BOE, CCMC #248969. She claims personal injuries. Ad damnum \$250,000. Answer filed. Discovery beginning. Scheduling conference 4/23/04 at 9:00 a.m. (ROBERJ)

TURF CENTER LAWNS, INC.

CCMC, Civil No. 213221. Complaint for interpleader arises out of accident where school bus was hit by truck and/or trailer. School bus operator killed and student passengers allege personal injury. BOE filed claim asserting its property damage and/or workers' compensation liens. Thus far, the Fund has received payment for property damage and tow expenses (\$28,476.30) and reimbursement of the workers' compensation lien from three of the claimants (\$18,856.66). Reimbursement checks from the remaining claimants have been received, but there was a discrepancy, which is being addressed with counsel. (FREDEC)

VASQUEZ, ENA C., ET AL. V. PEAY, CATHERINE K., ET AL.

Mother plaintiff sues as the personal representative of the Estate of her son, who allegedly died as a result of a massive epileptic seizure which was worsened due to stress, emotional turmoil resulting from the sexual abuse by his summer school teacher. Ad damnum \$ 3 million. Answer filed on behalf of Board of Education of Montgomery County. *Discovery ongoing. (MULLOH)

City of Rockville

BROOKY, DAWN V. LEWIS, CHRISTOPHER, ET AL.

CCMC, Civil No. 237038. Plaintiff filed a 37 count lawsuit against the City of Rockville, three police officers, and Merle Summerland for numerous violations of her civil rights, the Maryland Declaration of Rights and intentional infliction of emotional distress. She alleges that her former boyfriend entered her house in an unlawful manner, without her consent or permission and police officers failed to properly protect her from the trespass. She also alleges that the police officers confined her in her kitchen area against her will, allowed Summerland free access to her house and denied her the opportunity to inspect the items taken by Summerland from her house. Ad damnum \$24,750,000. Rockville defendants filed motion for summary judgment, *plaintiff opposed, defendants replied and oral argument scheduled for March 26, 2004 at 10:00 a.m. (ROBERJ)

NOLAN, LESLIE V. CITY OF ROCKVILLE

CCMC No. 240751-V. Plaintiff sues City of Rockville for injuries she sustained in a slip and fall incident at Glenview Mansion when she lost her footing while coming down the stairs and slipped on the slick marble surface. Plaintiff alleges that the defendant failed to maintain the premises in a safe condition. Ad damnum \$200,000. Plaintiff sent for independent medical examination. Notice sent to party that contracted with the City of Rockville to utilize the mansion stating the City's intent to seek indemnification under the contract. Plaintiff's deposition has been taken. *The Plaintiff's expert has completed his investigation and been deposed. The defense expert is being set for deposition. Trial set for May 11-12, 2004. (COLLIC)

SHELBY INSURANCE COMPANY (ESTLE LEWIS) V. MAYOR & CITY COUNSEL OF ROCKVILLE

DCMC, Case No. 060200134502003. Plaintiff sues Mayor and City Counsel of Rockville for the property damage done to the insured's property as a result of a sewer backup allegedly caused by the negligence of the Defendant. Ad damnum \$22,462.64. Trial date is 10/29/03, but Plaintiff's counsel is seeking continuance.* Companion case filed by Estle Lewis and Michael McBride regarding multiple back-ups over the years, Civil No. 247135-v in the Circuit Court for Montgomery County. Seeks \$300,000 in damages and injunctive relief. Plaintiff moved to consolidate the cases in Circuit Court. Cases consolidated by court order. (LEONAP)

TRINITY OUTDOOR, L.L.C. V. CITY OF ROCKVILLE, MARYLAND

USDC, Civil No. DKC03CV2372. Plaintiff filed Complaint and Request for Preliminary and Permanent Injunction and mandamus relief against City of Rockville. Plaintiff alleges monetary damages as a result of City's unconstitutional sign restrictions. Plaintiff seeks to enjoin enforcement of the City's sign restrictions and to permit Plaintiff to erect the signs. *Rockville has moved to dismiss and filed Reply to Plaintiff's Opposition to the motion. (ROBERJ)

County Council

AMERICAN COMMUNICATIONS SERVICES V. MONTGOMERY COUNTY, ET AL.

DCBC, Case No. 02CV769. Plaintiff has challenged the County's process for granting franchises to telecommunications companies. Plaintiff voluntarily dismissed. We are pursuing our claims for monies owed in bankruptcy court. County collected \$50,000 in franchise fees in full settlement of all claims. County transferred franchise to Xspedius. (ROYALC)

County Executive

ELLER MEDIA V. MONTGOMERY COUNTY

Eller Media has challenged the County's 1968, 1986, 1992, and 1997 sign ordinances as they relate to billboards. The parties are discussing a settlement. A scheduling conference is set for March 31, 2003 in the Circuit Court. At that time, if the parties have not settled, the litigation will resume. Parties are continuing to discuss settlement. Parties have asked court for additional time to continue discussions. Parties have tentatively agreed to terms and are revising the language of the agreement and completing the appendices.* A franchise agreement has been negotiated and advertised. The agreement will be transmitted to the Council for approval the week of February 23, 2004. (ROYALC)

Department of Corrections and Rehabilitation

KELLY, ANTHONY V. MONTGOMERY COUNTY CORRECTIONAL FACILITY, ET AL.

CCMC, Civil No. 245111. Pro se inmate plaintiff alleges violation of federal constitutional rights under the First, Fourth, Eighth and Fourteenth Amendments to the U.S. Constitution. The plaintiff claims that he was not allowed to use the law library as often as he requested; he was not allowed to talk in the hallway; and was denied his right to sleep when jail officials left a bright light on near his cell from 4:00 a.m. until 10:00 p.m. Ad damnum \$25,000.

*Defendants filed a motion to dismiss/motion for summary judgment. At hearing on Jan. 7, 2004, court granted motion without prejudice and gave Plaintiff leave to amend two of his claims. Plaintiff filed amended complaint and we filed another motion to dismiss/for summary judgment. Court granted our motion and case dismissed with prejudice. (VIAPP)

MARLATT, JEFFREY V. MONTGOMERY COUNTY DEPARTMENT OF CORRECTIONS AND REHABILITATION, ET AL.

CCMC, Civil No. 246804. WMS #03-2933. Caucasian Plaintiff claims employment discrimination on the basis of race. Plaintiff was disciplined for using offensive racial epithet in work place. Maintains African American employees who have used the same language were not disciplined. Ad damnum unspecified.* Answer filed. (LEONAP)

RAINES, CHARLES J. #034502 V. MONTGOMERY COUNTY, ET AL.

USDC, Civil No. CCB-03-3588. WMS #03-3505. An inmate plaintiff sues Montgomery County and several officials of Department of Correction & Rehabilitation claiming that he was allegedly denied adequate medical care (eye exam and prescription glasses) because of the defendants' policies and procedures. An answer has been filed, awaiting scheduling order. A motion for summary judgment will be contemplated at the appropriate time. Ad damnum clause seeks declaratory relief, \$1,250,000 compensatory and \$2,000,000 punitive damages. (FREDEC)

YOUNG-BEY, JEFFREY V. DEPUTY J. MCCALLIUM, ET AL.

USDC, Civil No. JFM-03-1047. An inmate Plaintiff filed suit against Montgomery County Government, various officials of Montgomery County Sheriff's Department and Maryland Division of Corrections for denial of substantive due process, cruel and unusual punishment, abuse of process, intentional infliction of emotional distress, assault, retaliation, supervisor liability, municipal liability, invidious discrimination, conversion, illegal search and seizure. Plaintiff alleges mistreatment while he was incarcerated. Ad damnum \$750,500,000.* Motion to dismiss filed on behalf of Defendants MC and D. Duncan. Awaiting outcome. (LEONAP)

Department of Environmental Protection

GREGG, GEORGE V. MONTGOMERY COUNTY, ET AL.

USDC, Civil No. DKC01CV1212. Plaintiff alleges County employees caused him to be falsely arrested, imprisoned and prosecuted for dumping pollutants into water. Ad damnum \$12,000,000 compensatory damages and \$40,000,000 punitive damages. County's motion to dismiss granted. *Summary judgment granted to employees on 2/11/04. (BURES)

Department of Fire and Rescue Services

CHESTER, PAUL

WMS #03-3393. This is a prelitigation matter resulting from an inquiry by an attorney to interview fire/rescue personnel. The inquiry arises out of a motor vehicle accident which occurred on October 10, 2003 in which Paul Chester sustained fatal injuries while a passenger in a car which collided with a tree near the intersection of Richter Farm Road and Clopper Road in Montgomery County. The attorney represents Aileen Marty, MD and William Chester, MD, the surviving parents of Paul Chester. He would like to question the fire/rescue personnel who responded at the scene regarding their observations of Paul's condition. * Some interviews have been completed, but two more remain. (FREDEC)

LOPEZ, JULIO CESAR V. WILHERM, JAMES, ET AL.

DCMC, Case No. 060200267202002. Plaintiff claims personal injuries and property damage when a fire truck allegedly slammed into rear of his vehicle. Ad damnum \$10,000. *Trial was set for December 2, 2003, but was continued. No new date set yet. (VIAPP)

REISE, JANET B. V. THE DAMASCUS VOLUNTEER FIRE DEPARTMENT, INC., ET AL.

CCMC, Civil No. 246349. WMS# 03-2873. Plaintiff claims employment discrimination and wrongful termination based on disability, alleging that she was placed on administrative leave, not allowed to return to work despite recommendation of County's physician and was subsequently terminated from her position with the Damascus Volunteer Fire Department. Also alleges that Montgomery County wrongfully failed to re-hire her to another position. Ad damnum \$2 million compensatory damages and \$2 million punitive damages. *Discovery ongoing. (LEONAP)

Department of Health and Human Services

COHEN, SUSAN V. MONTGOMERY COUNTY DEPARTMENT OF HEALTH & HUMAN SERVICES, ET AL.

CCMC, Civil No. 224614. Plaintiff brings action alleging that her request for reasonable accommodation was delayed. Defendants' motion to dismiss was granted by circuit court. CSA reversed and remanded. Discovery extended. Plaintiff's motion to compel discovery and Defendants' motion for summary judgment pending. Defendants motion for protective order denied. *Hearing on motion to compel, motion for summary judgment, and motion to reconsider grant of pro hac vice scheduled for 3/11/04. (BURRE)

Department of Housing and Community Affairs

CAUTIVA TRAVEL

Cautiva defrauded numerous consumers by accepting money for airline tickets that were never delivered. County is preparing action that will probably be filed in District Court. County petition for enforcement of Consumer Protection Law and will issue citations when owner of Cautiva can be located. Hearing rescheduled for July 1, 2003. On May 9, 2003, the County located the Defendant in Brooklyn, New York and served her with 10 citations. The Petition and the citations went to trial September 9, 2003. The Defendant did not appear. The court entered judgment in favor of the County in the amount of \$10,000 plus costs, and awarded restitution to 10 consumers. (ROYALC)

D'ANNA, PAUL V. MONTGOMERY COUNTY, ET AL.

Defamation and invasion of privacy action against County and several DHCA officials. Answer filed; discovery initiated. Being handled by outside counsel, Gary Crawford. Liability case has been stayed pending resolution of personnel/administrative litigation. (ROBERJ)

Department of Liquor Control

BEEPAT, INDARJEET V. FUGEL, MICHAEL, ET AL.

DCMC, Case No. 060200123252003. Plaintiff alleges personal injuries when his car was hit by a DLC truck. Ad damnum \$10,000. Discovery has been completed. Judgment for Plaintiff in the amount of \$5,660.90, plus court costs. An appeal was filed * , as was the memorandum of law in opposition to the decision of the lower court. Awaiting the scheduling of a hearing in the Circuit Court. (FREDEC)

HORTON & BARBER PROFESSIONAL SERVICES, ET AL.

Lawsuit alleges breach of contract, unjust enrichment, and conversion. Complaint filed on March 14, 2002. A judgment was entered against all three defendants on September 18, 2003. The County will proceed with domesticating the judgment in the District of Columbia because that is where all the defendants reside. (GAULV)

THOMPSON, NEIL V. MONTGOMERY COUNTY, ET AL.

DCMC, Case No. 060200103772003. Plaintiff alleges personal injuries when a City of Rockville's vehicle collided with his vehicle in a parking lot. Ad damnum \$10,000. Suit re-filed against City of Rockville. Trial date 11/05/03. Plaintiff seeking continuance. Trial rescheduled for March 24, 2004. (LEONAP)

Department of Permitting Services

OBADO, SAMMY V. MARTIN, JAMES C.

*DCMC, Case No. 0602-0016094-2003. WMS #03-204. Plaintiff alleges personal injuries and property damage arising out of motor vehicle accident that occurred on January 6, 2003. Ad damnum \$10,000. Trial set for April 21, 2004. (COLLIC)

STEVENS, GERRY V. MONTGOMERY COUNTY

USDC, Civil No. L01CV3869. Constitutional challenge to County's fortune-telling prohibition. County moved to dismiss. Motion to dismiss denied. Court has ordered the parties to proceed with discovery. Parties have begun settlement negotiations. Parties have agreed to settlement terms. Case has been dismissed. (ROYALC)

Department of Police

CHARLES R. SAAH V. MONTGOMERY COUNTY, MARYLAND, ET AL.

USDC, Civil No. DKC03CV2688. WMS #03-916. Plaintiff brings civil rights action against Montgomery County and a police officer, arising from an altercation about Plaintiff's wanting to move his car from a roadblock near the sniper killing of Ride-On driver Conrad Johnson. Plaintiff claims that he was attacked and handcuffed by police officer without probable cause and issued a citation for disturbing the peace, which was later nolle prossed by the Court. Ad damnum \$1,500,000 compensatory damages and \$800,000 punitive damages.* Scheduling order issued. Parties discussing observations of witnesses. Plaintiff may voluntarily dismiss or we will proceed with discovery. (ROBERJ)

CORONEOS, CHRISTOPHER V. MONTGOMERY COUNTY, MARYLAND, ET AL.

CCMC, Civil No. 244227. Plaintiffs filed a complaint for declaratory judgment, injunction and damages. Plaintiffs allege that defendants have violated their due process rights by seizing their livestock and records; by threatening plaintiffs with abandonment of the animals if payment of \$45,390 or a bond of \$300,000 is not posted; by refusing to return the livestock to them without a hearing, depriving plaintiffs of their livelihood. Ad damnum not specified. Motion to dismiss will be filed. (FRYM)

DIXON, ELVIS S. V. MONTGOMERY COUNTY, ET AL.

CCMC, Civil No. 231098. Plaintiff alleges personal injury as a result of a car accident. * A second Scheduling Conference was held on 2/13/04. Discovery ongoing. Ad damnum \$250,000. (FREDEC)

EDWARDS, ROBERT LEE V. BORISOW, ROSE, ET AL.

USDC, Civil No. WDQ-03-2763. WMS #03-2901. Pro se prison inmate plaintiff alleges personal injuries and denies that he pointed loaded gun at officer when he was shot in the back by police officer while he tried to flee with gun. Ad damnum \$10 million.* Our motion to dismiss granted in part (dismissing police department) and denied in part (retaining former Chief Moose as defendant). Court ordered counsel appointed for Plaintiff. (ROBERJ)

ELLIS, VIVIAN

*WMS #04-192. This is a presuit mediation matter. Plaintiff claims that police officers assaulted her when they came to her home looking for her son based on arrest warrant. Plaintiff has made a demand of \$1.5 million. Plaintiff's counsel would like to resolve case before filing suit. We are in the process of interviewing three police officers to determine if early resolution should be considered. (VIAPP)

HATCHER, NATHANIAL

WMS #03-3099. This is a prelitigation matter resulting from an inquiry by an attorney to interview an EMS employee. The inquiry arises out of an incident where the county police were called to respond to a situation where Nathaniel Hatcher was allegedly chasing his 4 year old son. The caller advised that Hatcher appeared to be on drugs. Police took Hatcher into custody for emergency evaluation. Hatcher's attorney would like to question the EMS employee (paramedic who brought Hatcher to hospital) regarding Hatcher's behavior.

*Contacted Fire & Rescue and Hatcher's attorney to coordinate possible interview. Provided Hatcher's attorney with dates but have received no response. (VIAPP)

JOHNSON, KEITH DIMITRI V. OFFICER HAAK, CHARLES, ET AL.

CCMC, Civil No. 247964. WMS #03-3415. Plaintiff claims that he was arrested for failing to stop for a Stop Sign and his vehicle was towed to the Police Station, which was allegedly auctioned later on without his consent. He further alleges that the defendants seized titles of his vehicles, his Driver License, CDL Licence and his girlfriend's ID. Ad damnum unspecified.

*Answer filed. (MULLOH)

JOHNSON, MARIA, ET AL. V. JOHN DOE OFFICER 1, ET AL.

USDC, Civil No. AW-03-2576 (formerly CCMC, Civil No. 244695). Plaintiff filed civil rights action in Circuit Court alleging violations of 4th, 5th and 14th Amendments of US Const., Art. 2, 19, 24 and 26 of Md. Declaration of Rights and state law claims of battery, assault, false imprisonment, intentional infliction of emotional distress and negligence arising out of a search warrant. Plaintiff alleges that Montgomery County Police Officers broke into her house looking for a murder suspect, who no longer lived at that residence (he resided there prior to November 1999), handcuffed plaintiff, her daughter, and a friend, and questioned her son in a separate room. Plaintiff claims the police used excessive force and injured her and her daughter. Ad damnum \$4 million compensatory damages and \$4 million punitive damages.

*Case removed to federal court. Discovery on-going. Plaintiff seeking to amend complaint to add 18 additional defendant police officers. Waiting for court to accept complaint and defendants to be served. (VIAPP)

KESELICA, MICHAEL V. REICH, THOMAS P., ET AL.

CCMC, Civil No. 245955. WMS #03-2852. Pro se plaintiff filed lawsuit for negligence, conspiracy, perjury, forgery, malicious prosecution, breach of duty, fraud and infliction of emotional distress arising from allegedly illegal seizure of his BMWs and confidential financial documents; and unjust and illegal incarceration. Ad damnum clause seeks declaratory judgment, \$269,296,344 compensatory damages, and \$538,592,688 punitive damages. Montgomery County and the Police Department's motion to dismiss was granted. The two remaining defendants, former Chief Moose, and retired Officer Reich, have not been served yet. Plaintiff has filed an appeal of the Court's dismissal. Plaintiff has also filed a motion to compel discovery to which a response has been filed. Plaintiff is still attempting service on the remaining parties. (COLLIC)

KOCHHAR, JASPAL V. COLLIER, BARRY, ET AL.

USDC, Civil No. AW03CV3045. WMS #02-232. Plaintiff was arrested for selling over-the-counter pharmaceuticals for resale. Subsequently, Plaintiff's US Savings Bonds worth \$346,000 were seized from his safe deposit box pursuant to a search warrant. Plaintiff alleges that the defendants were negligent in turning over \$139,000 worth of plaintiff's bonds to plaintiff's estranged wife and daughters and losing \$54,000 worth of bonds. Ad damnum \$965,000 compensatory damages and \$400,000 punitive damages. *Defendants County and Moose filed motion to dismiss. Officer has yet to be served. (VIAPP)

LANE, RUTH LOUSA V. ELSTON, KENNETH, ET AL.

*CCMC, Civil No. 247126. WMS #02-410. Plaintiff claims personal injuries and property damage arising out of motor vehicle accident that occurred on September 7, 2001. Plaintiff alleges that a police cruiser collided with her vehicle when she was crossing an intersection on a green traffic light. Ad damnum \$600,000 in compensatory damages. Scheduling conference 2/13/04. Discovery beginning. (ROBERJ)

LUCAS, VINCENT V. MONTGOMERY COUNTY, MARYLAND

USDC, Civil No. AW-2624. Plaintiff sues MC and three police officers for violation of Maryland Declaration of Rights, assault, battery, negligence, intentional infliction of emotional distress. It is alleged that on 7/13/01 he was operating a motorcycle, registered to his fiancée, with her consent, when he was stopped by police officers on the apparent belief that the motorcycle was stolen, and they subsequently brutally assaulted, and wrongfully arrested him; and after arresting and beating the Plaintiff, the police officers learned that he was a permitted driver. The ad damnum clause only alleges personal injuries and "pecuniary loss". Case removed to federal court. Officers not served. Plaintiff ordered to show cause why case should not be dismissed against officers. (BURRE)

MADDOX, KENNETH

WMS #03-2710. This is a prelitigation matter resulting for a request for "black box" information of police cruiser regarding the accident with police cruiser at Connecticut Avenue and Franklin Street. Maddox was injured in accident. Claim is that police officer significantly exceeded speed limit and was not using lights or siren. Attorney for potential plaintiff seeks this "black box" information. *After investigation of information, I obtained relevant material and provided hard copies of data to Plaintiff attorney. Waiting to see if he requests anything additional. (VIAPP)

NGUYEN, KIM LUONG THI V. MONTGOMERY COUNTY

*DCMC, Case No.060200243732003. WMS #04-294. Plaintiff claims personal injuries and property damage arising out of a motor vehicle accident which occurred on September 23, 2002. The Plaintiff alleges that her vehicle was struck by Police Officer when he pulled out his vehicle from parking lot. Ad damnum \$10,000. Trial April 14, 2004. (ROBERJ)

PENCE, DAVID V. MOOSE, CHARLES, ET AL.

CCMC, Case No. 240882. Plaintiff alleges violation of his constitutional and due process rights by wrongful seizure and detention of his guns, hand tools and some gold coins by police, and for failure to provide a hearing. Plaintiff was petitioned for involuntarily commitment to a mental facility by Montgomery County Health personnel and his numerous loaded guns were seized and not returned to him. Judge partially granted and denied Defendants' Motion to Dismiss. Defendants have filed for reconsideration and Plaintiff has amended his complaint. Parties seeking revision of Scheduling Order in light of amendment to complaint. Status conference of March 5, 2004 may be continued. (ROBERJ)

PIERCE, WILLIAM

USDC-DC, Civil No. 00CV02447. Pro se plaintiff filed civil rights lawsuit against County, several County police officers, County Executive, Police Chief, D.C., D.C. officers, and D.C. Mayor arising out of his arrest. Seeking compensatory and punitive damages in excess of \$1,000,000. Motion to dismiss partially granted. Discovery ongoing. Defendants providing additional discovery to Plaintiff pursuant to Court order.* No current action in case. (ROBERJ)

SAINT FELIX, GINELLE V. SAINT FELIX, EDWIDGE, ET AL.

*DCMC, Case No. 060100273422003. WMS #04-293. Plaintiff passenger files a lawsuit against the driver of her car, Montgomery County and a police officer. Plaintiff claims personal injuries when her vehicle was allegedly struck by a Montgomery County police cruiser while crossing the intersection. Ad damnum \$25,000. Trial set for May 5, 2004. Answer and jury demand filed. (MULLOH)

SAINT FELIX, JEFFREY V. SAINT FELIX, EDWIDGE, ET AL.

*DCMC, Case No. 060100273412003. WMS #04-292. Plaintiff passenger files a lawsuit against the driver of his car, Montgomery County and a police officer. Plaintiff claims personal injuries when his vehicle was allegedly struck by a Montgomery County police cruiser while crossing the intersection. Ad damnum \$25,000. Trial set for May 5, 2004. Answer and jury demand filed. (MULLOH)

SAINT FELIX, JR., LOUIS V. SAINT FELIX, EDWIDGE, ET AL.

*DCMC, Case No. 060100273392003. WMS #04-290. Plaintiff passenger files a lawsuit against the driver of his car, Montgomery County and a police officer. Plaintiff claims personal injuries when his vehicle was allegedly struck by a Montgomery County police cruiser while crossing the intersection. Ad damnum \$25,000. Trial set for May 5, 2004. Answer and jury demand filed. (MULLOH)

SAINT FELIX, LOUIS V. SAINT FELIX, EDWIDGE, ET AL.

*DCMC, Case No. 060100273402003. WMS #02-2993. Plaintiff passenger files a lawsuit against the driver of his car, Montgomery County and a police officer. Plaintiff claims personal injuries when his vehicle was allegedly struck by a Montgomery County police cruiser while crossing the intersection. Ad damnum \$25,000. Trial set for May 5, 2004. Answer and jury demand filed. (MULLOH)

SAINT FELIX, TRICIA V. SAINT FELIX EDWIDGE, ET AL.

*DCMC, Case No. 0601-0027338-2003. WMS #04-287. Plaintiff passenger files a lawsuit against the driver of her car, Montgomery County and a police officer. Plaintiff claims personal injuries when her vehicle was allegedly struck by a Montgomery County police cruiser while crossing the intersection. Ad damnum \$25,000. Trial set for May 5, 2004. Answer and jury demand filed. (MULLOH)

SARAI, JOGINDER V. DHARIWAL, S. KASHMIR S., ET AL.

DCMC, Case No. 060200049152003. Plaintiff alleges that he hit his head on the door and sustained personal injuries when two police officers, at the direction of the Chairman of Guru Nanak Foundation, picked him up and transferred him at the door to two other police officers. Ad damnum \$10,000. Answer filed and discovery served. The defense has been tendered to the Garu Nanak Foundation and the foundation's attorney will provide representation for officers who were working for foundation and off duty. At trial on Nov. 5th, attorney made oral motion to dismiss based on res judicata and release from a prior matter involving Plaintiff and court granted motion. * Plaintiff has appealed and briefs have been filed in the circuit court. (VIAPP)

SNIDER, CARL WILLIAM, ET AL. V. MAGNELLI, DAVID, ET AL.

CCMC, Civil No. 03-33. Plaintiffs allege negligence, malicious prosecution, false arrest, false imprisonment, assault and battery, and loss of consortium. Plaintiff claims that he was improperly arrested, imprisoned and charged with theft of Irene William's (a co-defendant) jewelry, which was later on found at her property. Ad damnum \$18 million compensatory damages and \$15 million punitive damages. Motion to dismiss filed and hearing set for October 7, 2003. (VIAPP)

SPRUILL, REGINALD V. MONTGOMERY COUNTY POLICE DEPARTMENT

USDC, Case No. AW03-CV1069. Plaintiff claims, in his amended complaint, employment discrimination based on race, color, age and disability. Plaintiff alleges unfair treatment by his supervisors in regard to work assignments, transfers and compensation. Ad damnum \$300,000. Requested Opposing Counsel to provide original summons and complaint. Second Amended Complaint filed. Defendants' motion to dismiss granted. Plaintiff filed third amended complaint. Answer filed. *Discovery in progress. (BURES)

SURGE, PAULA V MC, ET AL.

CCMC Civil No. 118081. Plaintiff alleges damages after collision with police car. Ad damnum \$750,000. Very old case. Court may dismiss for lack of prosecution by plaintiff.* Court has dismissed case for lack of prosecution. Plaintiff's counsel trying to reopen case. (ROBERJ)

THOMAS, RAYMOND A. V. MONTGOMERY COUNTY, MARYLAND

DCMC, Case No. 11560-03. Plaintiff filed replevin action in an attempt to regain custody of his truck and damages for the loss of its use. Ad damnum, \$30,000. Show cause hearing scheduled for July 14, 2003. (FRYM)

THOMSEN, RUSSELL V. OFFICER SCOTT FELDMAN

CCMC, Civil No. 146129. Plaintiff pursued on foot by Officer Feldman and other unnamed police officers responding to assault and battery call. Plaintiff alleges being slammed to ground, handcuffed, then beaten with nightsticks. Suit alleges violation of civil rights and assault and battery. Ad damnum \$50,000 compensatory and \$100,000 punitive damages. Agreed to submit to binding arbitration. Plaintiff reconsidering whether to proceed with arbitration. Plaintiff has not pursued case. The Circuit Court has listed the case as closed. (ROYALC)

TWYMAN, NEAL V. OFFICER MICHAEL PRATHER, ET AL.

CCMC, Civil No. 243795. Plaintiff alleges assault, battery, false arrest, false imprisonment, civil rights violation, malicious prosecution and civil conspiracy. He claims that he was beaten, arrested and incarcerated without probable cause and charged with disorderly conduct, obstructing and hindering, and resisting arrest, but the charges were dismissed by the State Attorney's Office. Ad damnum \$7 million compensatory and \$7 million punitive damages. Answer, motion to dismiss and discovery filed. Plaintiff filed 2nd amended complaint. Motion to dismiss County and several other defendants granted. *Plaintiff recently dismissed one of the officers but two police officers remain in case. Discovery proceeding. (VIAPP)

Department of Public Works and Transportation

AT&T RAILROAD CORRIDOR

The County was joined in a class-action against AT&T for its illegal occupation of property adjoining railroad corridors. The County opted out of the class. (ROYALC)

BENDER, SCOTT C. V. MONTGOMERY COUNTY, MARYLAND

CCMC, Civil No. 247614. Plaintiff claims that he sustained personal injury when he stepped on the improperly installed inlet cover (manhole plate) which flipped out of its frame, causing him to fall into the storm drain inlet. Ad damnum \$50,000. Answer filed and discovery served. *Depositions set for March. (VIAPP)

CURTIS, ROBERT JOHN V. TURNER, JAMES ALAN, ET AL.

CCMC, Civil No. 245374. Plaintiff passenger files a lawsuit against the driver of his car and Montgomery County when the car in which he was traveling entered the intersection at a high speed, without stopping to yield right-of-way, collided with another vehicle. Consolidated with Howell Ad damnum \$1,000,000. (ROBERJ)

FIELDS, JODI V. COUNTY EXECUTIVE DOUGLAS DUNCAN

DCMC, Case No. 060100124072003. Plaintiff claims property damage when a Montgomery County truck collided with her vehicle while attempting to make a left-hand turn. Ad damnum \$1,166.37. Discovery served. Plaintiff's motion for continuance granted. Trial date 01/13/04.* Plaintiff failed to appear -- dismissed without prejudice. (LEONAP)

GRABINA, ROBERT V. KAPOOR, RAVINDER AND RITU, ET AL.

DCMC, Case No. 060100208742003. WMS #02-4165. Plaintiff alleges that a large tree branch fell down when he was stopped on the Potomac Lane, Potomac, Maryland, damaging his vehicle and causing him bodily injuries. MC DPWT work allegedly in progress overhead. Ad damnum \$10,000. Discovery served. * Trial date of 02/11/04 is being continued by Court. (LEONAP)

HANCOCK, ERIC V. AFFILIATED PROPERTY MANAGEMENT, INC., ET AL.

CCPG, Case No. CAL03-01567. Plaintiff claims that he stepped in a large hole in the ground, concealed by brush, causing him to suffer serious bodily injuries. He sues property management company, Homeowners Association, WSSC and Montgomery County and alleges that defendants breached their duties by failing to repair, maintain, warn of, and/or report the dangerous condition. Ad damnum \$600,000 in compensatory damages from all defendants - \$150,000 from Montgomery County. * Answer filed and discovery concluded. County filed motion for summary judgment. Waiting for hearing date but trial date set for May 18 and 19, 2004. (VIAPP)

HANTMAN, ROBERTA, ET AL. V. MONTGOMERY COUNTY, MARYLAND

CCMC, Civil No. 242386. Plaintiff alleges personal injuries when on November 25, 2000, she slipped and fell on a metallic plate which was built into the ramp. Plaintiffs have made loss of consortium claim also. An answer and discovery have been filed. A discovery motion was filed, which was granted in part. A motion for sanctions was filed, which was denied after the Plaintiffs provided answers and responses to discovery. Plaintiff failed to appear at her independent medical examination. * A motion is contemplated. Ad damnum \$300,000. (FREDEC)

HO, SHILING AND LEE, CHANG - 6500 GREENTREE ROAD

This is a prelit matter brought out by Shiling Ho and Chang Lee, residents of 6500 Greentree Road, Bethesda, Maryland. It is alleged that a part of their property was flooded resulting from the drainage ditch dug by the County through their property without their permission. They are contesting the fact that their property had a long standing drainage problem, and that realignment of ditch has reduced the flooding threat to their home. (ROBERJ)

HOWELL, DONNA, ET AL. V. MONTGOMERY COUNTY, MARYLAND

CCMC, Civil No. 240579. Plaintiffs' decedent was killed when a vehicle ran a stop sign and struck his car. We have been sued because Plaintiff alleges that a cause of the accident was foliage obstructing the stop sign. Plaintiffs allege that Montgomery County failed to inspect and ensure that the intersection was safe for normal use and was negligent in controlling foliage in front of the stop sign so as to ensure the stop sign's visibility from a reasonable distance approaching the intersection. County brought third party action to bring in driver of car that ran stop sign, and Passenger in co-defendant's car has filed action. County moved to consolidate the two cases * and consolidation granted. All parties responding to written discovery. Plaintiff has designated experts. Ad damnum \$5,537,500. (ROBERJ)

JEFFRIES, KAREN, ET AL. V. MONTGOMERY COUNTY, ET AL.

*CCMC, Civil No. 248527. WMS #02-4207. Plaintiff claims personal injury when she stepped into an alleged pothole-type erosion on the street where it meets the curb. Ad damnum \$150,000. Answer filed. (MULLOH)

MUDANO, CAROLYN V. RIPPEON, JAMES, ET AL.

Plaintiff alleges rescission of settlement agreement, unlawful employment practices, illegal employment practices, discriminatory employment practice, and violation of Family Medical Leave Act. Plaintiff claims that she was retaliated against when she was transferred against her will, and that a Settlement Agreement entered into with the County was breached by the County. Ad damnum \$38 million. Case removed to federal court. Discovery ongoing. Depositions conducted. Motion for summary judgment filed on behalf of defendants.* Hearing set for 03/22/04. (LEONAP)

SINGH, ANAND V. FUGEL, MICHAEL, ET AL.

CCMC, Civil No. 236443V. Plaintiff alleges personal injuries as a result of a car accident. He alleges that he was a passenger in a car hit by a DLC truck. Discovery ongoing. Experts identified and depositions scheduled. * A second trial date was set for January 27, 2004, but we did not get a judge again. The new trial date is March 22, 2004. Ad damnum \$250,000. (FREDEC)

SMITH, ROBIN V. MONTGOMERY COUNTY, MARYLAND, ET AL.

*CCMC, Civil No. 247960. WMS #02-2662. Plaintiff claims that she fell and sustained injuries when her bicycle wheel went into a deep hole which was allegedly hidden by grass. Ad damnum \$100,000. An answer and discovery have been filed. (FREDEC)

TENNESSEE, JULIET V. LUIS, SHERWOOD WILFREDO, ET AL.

CCMC, Civil No. 238849. Plaintiff, a Ride-On bus passenger, alleges personal injuries when a Montgomery County truck failed to stop at red traffic light and hit the bus. Liability has been admitted, and the parties have agreed to undergo binding arbitration. Arbitration * is scheduled for March 30, 2004. Ad damnum \$500,000. (FREDEC)

WALSH, SUSAN, ET AL. V. MONTGOMERY COUNTY MARYLAND DEPT. OF PUBLIC WORKS AND TRANSPORTATION

*DCMC, Case No. 060100016842004. WMS #03-2439. Plaintiff, through Erie Insurance Exchange, sues for property damage and alleges that Montgomery County's snow plow allegedly struck her parked vehicle. Ad damnum \$1,374.33. Trial set for April 21, 2004. (COLLIC)

WITTEN, MARCIA V. MONTGOMERY COUNTY, MARYLAND, ET AL.

DCMC, Case No. 060200160292003. WMS #01-2257. Plaintiff alleges that she sustained personal injuries arising out of trip and fall on a sidewalk near Colesville Road and 2nd Avenue in Montgomery County, Maryland. Ad damnum \$10,000. The co-defendant has filed for bankruptcy. The matter is stayed pending resolution of the bankruptcy. Investigation completed regarding who owns/maintains the sidewalk where Plaintiff fell. Montgomery County is the proper party. The third party that would have been responsible for indemnifying the County is bankrupt, so the County will have no recourse against that company. (COLLIC)

Housing Authority of the City of Rockville

GRAY, LAVAUGHN M. V. ROCKVILLE HOUSING ENTERPRISES

CCMC, Civil No. 242853-V. Plaintiff sues Rockville Housing Enterprises for injuries she sustained when she slipped and fell on the ground as a result of a thin layer of ice that accumulated on the surface of the sidewalk. Plaintiff alleges that the defendant was negligent for allowing the snow and ice to accumulate and failed to maintain the sidewalks. Ad damnum \$250,000. *Discovery ongoing. (MULLOH)

Housing Opportunities Commission

COHEN, SHIMON V. HOUSING OPPORTUNITIES COMMISSION AND STATE OF MARYLAND AND TIMBERLAWN CRESCENT AND MONTGOMERY COUNTY, MARYLAND

CCMC, Civil No. 228099. Slip and fall claim by resident of HOC property due to alleged failure to maintain property and negligent hiring, training and supervision. Ad damnum \$4 million. Defendant's Motion to Compel and/or for Sanctions filed. *Case dismissed. (MULLOH)

GOVAN, FREDERICK V. MONTGOMERY COUNTY, MARYLAND, ET AL.

CCMC, Civil No. 240602. Plaintiff filed civil rights action in Circuit Court alleging violation of plaintiff's substantive due process rights, breach of contract, emotional distress, request for injunctive relief arising out of his wrongful termination. Plaintiff alleges that he was not trained to perform his duties in spite of his repeated request for training, and was never properly or timely evaluated for his performance. Ad damnum \$800,000. Answer filed. Scheduling conference held; * discovery ongoing. (MULLOH)

JACKSON, ANN, ET AL. V. MONTGOMERY COUNTY HOUSING OPPORTUNITIES COMMISSION, ET AL.

CCMC, Civil No. 247610. WMS# 02-3552. Plaintiff mother alleges that her minor daughter was sexually molested by a maintenance worker employed by HOC and further alleges that HOC breached its duty to the minor by allowing worker to continue in his position where he had access to residents, although HOC had notice of prior sexual misconduct of the worker. Plaintiff sues Montgomery County and the State of Maryland also. Ad damnum \$12 million. * The County filed a motion to dismiss and HOC filed answer. Discovery has begun. Motion hearing set for 3/12/04. (VIAPP)

JONES III, MOSES V. KELLY, EMILY, ET AL.

*CCMC, Civil No. 248885V. WMS #04-338. Plaintiff/ resident of Montgomery Arms (an HOC facility) sues for defamation based on alleged false statements made by property manager regarding Plaintiff's medical and mental condition and other matters. Ad damnum seeks \$200,000 compensatory damages and \$600,000 punitive damages. (LEONAP)

REZA, SOHEILA V. HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY, ET AL.

CCMC, Civil No. 238756. Plaintiff filed a lawsuit against HOC and Polinger Company for breach of contract, breach of implied warranty of habitability, negligence, and trespass. Plaintiff alleges that her apartment was flooded due the negligence of the defendants. Answers have been filed and discovery has begun. Trial date 2/9/04. * Trial began but was reset after two mistrials were granted. New trial date is May 17, 2004. Ad damnum \$456,232. (FREDEC)

VANCE, RANDALL L. V. HOUSING OPPORTUNITIES COMMISSION OF MONTGOMERY COUNTY, MARYLAND, ET AL.

USDC, PJM03CV427. Plaintiff filed lawsuit against HOC and its officials for declaratory and injunctive relief. He is alleging that the Defendants violated his due process rights when he was terminated from participating in a program under the McKinney-Vento Homeless Assistance Act and not reinstated in the program. The Plaintiff seeks an order reinstating him in the McKinney Act program and also seeks monetary damages. Plaintiff also filed a motion for preliminary injunction, which has been opposed. An evidentiary hearing was held on August 20 and 22, 2003. It was granted in part only. Case is proceeding. (FREDEC)

Human Relations Commission

BECKER V. CHARLES E. SMITH JEWISH DAY SCHOOL

Plaintiff brought suit against defendant for discrimination based on disability. Defendant filed motion to dismiss challenging constitutionality of State and County human rights law. County filed motion to intervene for limited purpose of responding to defendant's constitutional challenges and attached opposition of defendant's motion to dismiss. Hearing on motion to dismiss was held on April 29, 2002. Motion to dismiss denied. (WEILJ)

GLENMONT HILL ASSOCIATES V. MONTGOMERY COUNTY

USDC, Case No. DKC03CV1037. Suit challenges source of income anti-discrimination law filed April 2003. *Suit dismissed by Court because same issues are pending before the HRC. (JONESD)

WALKER V. UNITED COMMUNICATIONS GROUP

Plaintiff brought suit against defendant for discrimination based on sex and retaliation in violation of Chapter 27 of County Code. Defendant filed motion to dismiss challenging constitutionality of state and county human rights law. County filed motion to intervene on May 13, 2002, for limited purpose of responding to defendant's constitutional challenges, and attached opposition to defendant's motion to dismiss. Hearing held on August 8, 2002 before Judge Woodward. Judge Woodward denied defendant's motion to dismiss. (WEILJ)

Maryland-National Capital Park and Planning Commission

ACHINONU, GLADYS V. AJANAKU, ARAMIDE, ET AL.

DCHC, Case No. 100100044832003. Plaintiff passenger files a lawsuit against the driver of his car and John Bell, a M-NCPPC employee. Plaintiff claims personal injuries when John Bell allegedly failed to stop for a stop sign and struck the plaintiff's vehicle. * The Plaintiff claimed \$4,492.81.32 in medical expenses and \$248 in lost wages. A plaintiff's verdict was entered in the amount of \$15,000 on 2/23/04. (FREDEC)

AJANAKU, ARAMIDE V. BELL, JOHN

DCMC, Case No. 100100031812003. Plaintiff alleges personal injuries and property damage resulting from motor vehicle accident which occurred on March 12, 2002 in Howard County, Maryland. * The Plaintiff claimed \$3,997.32 in medical expenses, \$1.344 in property damage, and \$248 in lost wages. A plaintiff's verdict was entered in the amount of \$10,000 on 2/23/04. (FREDEC)

ANSELL, HELEN, ET AL. V. JOHNSON, JAMES MATTHEWS, ET AL.

CCPG, Civil No. CAL 03-13328. Plaintiffs allege personal injuries sustained when the plaintiff's car was rear ended by M-NCPPC vehicle after the plaintiff pulled her vehicle in the left hand lane to permit the emergency vehicle to pass. Ad damnum \$40,000. Written discovery served. * Depositions taken. (LEONAP)

DAY, MARY R., ET AL. V. M-NCPPC, ET AL.

CCPG, Civil No. CAL03-24443. WMS #01-448. This case was filed by the Personal Representative of the estate of a man who allegedly was injured in a motor vehicle accident when a park police officer crossed the double yellow line and collided with his vehicle. An answer and discovery have been filed. * Plaintiff's answers and responses to discovery are overdue. A motion may be filed. Ad damnum \$400,000. (FREDEC)

DEAN, RETHA A. V. SIBILA, TROY

DCPG, Case No. 0502-0037801-2003. WMS #03-3416. Plaintiff's son was participating in a summer recreation program at a M-NCPPC facility when another child allegedly stole a cell phone from him. The Program Director, Defendant Troy Sibila, has been sued for not providing identifying information on the offending juvenile to Plaintiff Retha Dean. The matter was referred to the Park Police. Ad damnum \$250.00. A Notice of Intention to Defend and a Motion to Dismiss have been filed on behalf of Defendant. Trial is set for January 6, 2004.* Defendant's verdict at trial. (LEONAP)

FENTON, LISA, ET AL. V. FAIRLAND AQUATIC CENTER, ET AL.

CCPG, Case No. CAL0301950. Plaintiff claims personal injuries when she slipped and fell while descending the stairs, which were used by the public in accessing a swimming pool at Fairland Aquatic Center. The plaintiff alleges that the defendants failed to maintain the stairs and preventing it from being slippery. Ad damnum \$200,000. Discovery ongoing. Pre-trial conference date 11/26/03. Trial date April 19-21, 2004. (LEONAP)

HERTZ, RAYMOND M. V. PRINCE GEORGE'S COUNTY GOVERNMENT, ET AL.

DCMC, Case No. 050200333952002. Plaintiff alleges injuries when he tripped and fell at or near the entrance to PG County's Courthouse. Plaintiff sues PG County Gov't and M-NCPPC for failing to maintain and inspect the sidewalks and walkways - in and around the grounds of the PG County's Circuit Court with reasonable care. Ad damnum \$25,000. Answer and jury demand filed. Pretrial held. Discovery ongoing. *Trial March 23 & 24, 2004. (MULLOH)

JEMAL'S FAIRFIELD FARMS, LLC V. PRINCE GEORGE'S COUNTY, ET AL.

USDC, Civil No. AMD 02-CV 2881, 02-4355. Plaintiff filed complaint for declaratory judgment, injunctive relief, and compensatory damages against PG County, PG County's Councilman Marvin Wilson, and M-NCPPC for violations of the rights, privileges and immunities secured under Commerce Clause and 14th Amendment to the Constitution. Jemal complains that its property has been rendered commercially useless for its failure to achieve administrative permission to operate vehicle towing station and truck marshalling station. Ad damnum \$10,000,000. (P&P counsel taking lead) (ROBERJ)

Montgomery College

FORTSON, CLEMANTIS A. V. MONTGOMERY COLLEGE

USDC, Civil No. PJM03CV2715. WMS #03-3117. Plaintiff claims retaliatory discrimination for filing discrimination charge against Montgomery College and alleges that she has not been allowed to continue to work in the supervisory role for which she was hired because of her race, color and sex. Also alleges that she has not been fairly compensated for her position. An answer and discovery have been filed. Plaintiff failed to respond to discovery, and a motion * will be filed. Ad damnum not specified. (FREDEC)

TA'ATI, POOPAK V. THE BOARD OF TRUSTEES OF MONTGOMERY COMMUNITY COLLEGE

USDC, Civil No. AW03CV2097. USDC, Civil No. AW03CV2097. Plaintiff brought suit against defendant for employment discrimination in violation of Title VII based on race, religion, sex, age and retaliation for filing complaints and grievances. Plaintiff alleges that the Dean of her Division insulted her in public places, gave her negative performance evaluations and suspended her from work without any valid charges. Plaintiff also alleges breach of contract. Ad damnum unspecified. Answer filed. Plaintiff now proceeding pro se. Court denied Plaintiff's request that the court appoint counsel, but granted revision of scheduling order. (BURREN)

MONTGOMERY COUNTY DEPARTMENT OF HEALTH & HUMAN SERVICES

FOMENGIA, BERNI, ET AL. V. MONTGOMERY COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES

USDC, Civil No. DKC03CV2709. WMS#03-2856. Four Plaintiffs allege Montgomery County Department of Health and Human Services denied them promotions or positions based on race, color, national origin, sex and age. Two plaintiffs (Gbenoba and Ogunsanya) are current employees and two are unsuccessful applicants. The current employees also allege retaliation. Ad damnum unspecified. Gbenoba has another lawsuit pending with similar allegations and has been unsuccessful in two previous lawsuits against DHHS. Plaintiffs moved to amend complaint. Defendants opposed. Defendants served discovery requests on plaintiffs. (BURREN)

GBENOBA, PAUL C. V. MONTGOMERY COUNTY OF HEALTH AND HUMAN SERVICES

USDC, Case No. DKC03CV2231. Plaintiff claims retaliatory discrimination in violation of Title VII for filing prior discrimination charge. He alleges that he was denied leave requests, promotions and equal pay based on his race and national origin. Ad damnum unspecified. He has previously filed federal lawsuits based on similar allegations as set forth in this complaint. Answer filed. Discovery in progress. (BURES)

Montgomery County Government

BIGG WOLF DISCOUNT VIDEO MOVIE SALES, INC. V. MONTGOMERY COUNTY, MARYLAND

USDC, Case No. 01CV3386. Store owner challenges adult business law on constitutional grounds. Plaintiff moved for injunction. County moved for summary judgment. Court denied injunction and motion for summary judgment. Discovery completed. County filed another motion for summary judgment. Court granted County's motion. Court upheld constitutionality of adult business law, but refused to grant County request for injunction requiring store to close. Deadline for any appeal is April 28, 2003. Bigg Wolf's counsel claims that Bigg Wolf will reduce stock of adult videos to comply with law. Bigg Wolf did not appeal ruling. County has begun enforcement action. Bigg Wolf has reconfigured store in an attempt to comply with law. County has inspected store. County will reinspect the store as necessary. (ROYALC)

FLORES, DOMINGO/ALLSTATE V. MONTGOMERY COUNTY

DCMC, Case No. 060200056602003. Plaintiff, through insurance company, Allstate, sues for property damage. It is alleged that Montgomery County vehicle abruptly ran the red light and collided with Plaintiff's vehicle. Ad damnum \$2,913.93. Plaintiff's counsel moved for continuance-- out on maternity leave. Continuance granted. *Plaintiff's counsel on maternity leave - continuance granted. (LEONAP)

MID-ATLANTIC MANAGEMENT CORP. V. MONTGOMERY COUNTY

USDC, Civil No. DKC01CV2822. Video store owner challenges adult business law on constitutional grounds. Plaintiff moved for injunction. County moved to dismiss. Hearing canceled because plaintiff may not be subject to adult business law. Further investigation reveals plaintiff is subject to law. County filed discovery requests. Mid-Atlantic claims that it will comply with our law. Meanwhile, the parties are proceeding with discovery. The case has been settled. Mid-Atlantic dismissed the case; in return, the County has granted Mid-Atlantic 60 days to bring the store in compliance with the law. Mid-Atlantic has made a concrete proposal to reconfigure the stores so that they comply with the County zoning ordinance. *Mid-Atlantic has reconfigured its stores. (ROYALC)

MONTGOMERY COUNTY V TRAVELERS INDEMNITY COMPANY, ET AL.

Montgomery County filed a complaint against The Travelers Indemnity Company; The Travelers Indemnity Company of Illinois; and Hobbs Group for declaratory judgment and for damages arising out of breach of a contract of insurance for coverage of damage to vehicles. Ad damnum \$1 million. Parties have been served. Federal disclosures sent and discovery proceeding. (VIAPP)

OREBIYL, ELIZABETH T/U/O & T/O/U ALLSTATE V. MONTGOMERY COUNTY, ET AL.

DCMC, Case No. 0602-0023588-2003. WMS #03-3358. Plaintiff, through insurance company, Allstate, sues for property damage and alleges that Montgomery County's vehicle made an unsafe lane change and merged into the lane occupied by her vehicle, thereby colliding with her vehicle and pushing it into a parked vehicle. Ad damnum \$2,195.05. *Trial set for March 24, 2004. (COLLIC)

PERRY, JAMES/ALLSTATE V. MONTGOMERY COUNTY, ET AL.

DCMC, Case No. 060200276752003. WMS #04-39. Plaintiff, through insurance company, Allstate, sues for property damage. It is alleged that the Montgomery County's vehicle abruptly and without warning merged into the lane occupied by the plaintiff and rear-ended plaintiff's vehicle. Ad damnum \$2,055.34. *Line of dismissal filed by Plaintiff. (MULLOH)

PROTOPAPPAS, FREDERIC V. M-NCPPC, ET AL.

DCMC, Case No. 060200181312003. Plaintiff claims that he sustained injuries while attempting to stop his bicycle when he realized that the gate to the Wisconsin Street Tunnel was closed and thereby collided with the gate. He sues M-NCPPC, MC and MVM, Inc. for failing to open the gate at the posted time of 6:00 a.m.; failing to maintain the trail in the tunnel without holes and debris and failing to keep the area well lighted. Ad damnum \$25,000. *Motion to Dismiss granted based on statutory immunity. Plaintiff filed an appeal of the decision in Defendant's favor. Awaiting scheduling order from Circuit Court. (COLLIC)

SRSIC, EDWARD V. MONTGOMERY COUNTY, ET AL.

*CCMC, Civil No. 249526. WMS #04-370. Plaintiff claims personal injuries when the elevator at 321 University Boulevard, West allegedly failed to level with the floor, causing him to trip and fall. Ad damnum \$300,000. (FREDEC)

STATE OF MARYLAND V. YOUNG, KANHUA, ET AL. V. PINCUS, S. MICHAEL, ET AL.
CCMC, Civil No. 236207. Defendants/Cross-Plaintiffs filed Cross-Complaint and Motions against several governmental entities without any factual allegations. It seems that the Cross-Plaintiffs are alleging unjust practices, manipulation, official misconduct, fraud, harassment, discrimination and retaliation without any cause of action. Ad damnum not specified.* No movement on case. (ROBERJ)

TURPIN, LINN V. RURAL METRO COMPANY, ET AL.

CCMC, Civil No. 248598. WMS #04-147. Plaintiff claims personal injuries resulting from a motor vehicle accident when an ambulance, with its lights and sirens activated, allegedly struck her vehicle. Ad damnum \$600,000. *This is not one of our ambulances. Plaintiff's counsel investigating whether ambulance was engaged at request of Montgomery County or was acting as our agent. We have no evidence to that effect. We will investigate and move to dismiss if no connection indicated. (ROBERJ)

VICHI, DAVID V. MONTGOMERY COUNTY, MARYLAND AND ESMIE PARCHMENT AND OSBORNE PARCHMENT

Plaintiff signed a contract to purchase several apartment buildings in Takoma Park and the County exercised its right of first refusal under Chapter 53A to purchase those buildings. Plaintiff sued both the County and the seller of the apartment buildings claiming that the County failed to follow statutory requirements before tendering a contract to the seller. The Plaintiff seeks to enjoin the sale of the apartment buildings to the County. The County filed a counterclaim against the Plaintiff, a cross-claim against the seller and a third-party complaint against both the City of Takoma Park and a tenants association. Plaintiff amended his complaint alleging that the County's Chapter 53A is a tortious interference of contract, is an ultra vires act, violates the Rule Against Perpetuities and violates Art I, Section 10 of the U.S. Constitution. During a motions hearing on 12/17/03, the County prevailed on the Rule Against Perpetuities issue. This case is set for trial on March 1-2, 2004. (GAULV)

Montgomery County Public Schools

ALBORNOZ, MICHELLE/ALLSTATE V. MONTGOMERY COUNTY SCHOOL BUS

DCMC, Case No. 060200060552003. Plaintiff, through insurance company, Allstate, alleges property damage when a school bus collided with her vehicle. MCPS MVA Notice indicates that Plaintiff changed the lane while turning left and came in front of the school bus, thereby colliding with the bus. Ad damnum \$1,255.20. Answer filed;* case settled. (MULLOH)

KAUFMAN, JACK V. MONTGOMERY COUNTY PUBLIC SCHOOLS, ET AL.

CCMC, Civil No. 245481. Plaintiff claims injuries when he tripped and fell on the edge of the sidewalk wheelchair ramp under construction. Plaintiff alleges that the defendants were negligent in failing to complete the construction work on the roadway and/or to install proper signs to warn the passerby of the dangerous condition. Ad damnum \$250,000. Answer filed, and cross-claim against the two co-defendants has been filed for indemnification and contribution. Discovery sent and received. Pretrial conference held December 5, 2003.

*Plaintiff's deposition set for March 19, 2004. (COLLIC)

WINSTON, MARY, ET AL. V. THE ESTATE OF GRANVILLE G. HALL, ET AL.

CCMC, Case No. 241978. Plaintiff sues as parent and next friend of her minor son, who sustained injuries when a school bus allegedly negligently struck him. Discovery on-going. Ad damnum \$1,250,000. (FREDEC)

Revenue Authority

JONES, ALBERT, ET AL. V. MONTGOMERY COUNTY REVENUE AUTHORITY

CCMC, Case No. 240925. Plaintiff sues MCRA for injuries he sustained when he slipped and fell on a chemically coated pathway at Rattlewood Golf Course. Plaintiffs allege that the defendant was negligent and careless in the maintenance of the premises. Plaintiffs also seek loss of consortium. Ad damnum \$570,000. Discovery has been exchanged. Plaintiff's deposition was taken as well as the witnesses. Expert in orthopaedic medicine has been identified by the defense. Following a motion to compel the Plaintiff's financial records, he has agreed to forego his claim for lost wages and loss of business income in lieu of providing those records. This reduces the claim to the medical component only. Discovery is complete.

*Pretrial conference is March 4, 2004. (COLLIC)

KRAMER, SANFORD

2/13/03 Montgomery County Revenue Authority filed condemnation action and motion for preliminary injunction. Court denied Revenue Authority's Motion for Preliminary Injunction.

*Discovery completed. Hearing on Revenue Authority's motion for partial summary judgment March 17, 2003. (LATTNE)

Ride-On

CEVALLOS, NATHALY V. SOTO, PEDRO A., ET AL.

DCMC, Case No. 060100193152002. Plaintiff alleges personal injuries and property damage when his vehicle was struck in the rear by a Ride-On bus while she was stopped at a red traffic signal. Discovery has begun. Trial date April 2, 2003. This case, as well as the claims of Plaintiff's minor children were settled before trial. Still awaiting closing documents. Ad damnum \$20,000. (FREDEC)

CHIRAMEL, RAJESH V. LAFORCE, JR., LESTER RAY, ET AL.

DCMC, Case No. 060200212272003. WMS #02-3488. Plaintiff claims personal injuries resulting from an automobile accident that occurred on August 22, 2002. Plaintiff alleges that the Ride-on bus dropped transmission or some other type of fluid onto the lane which created a hazardous situation and caused and/or contributed to the collision. Ad damnum \$25,000. *Trial set for March 3, 2004. (COLLIC)

CUMMINGS, JOAN V. MONTGOMERY COUNTY, MARYLAND

DCMC, Case No. 060200271132003. WMS #03-3509. Plaintiff claims personal injuries and alleges that the Ride-On bus driver pulled away from the curb prior to her being seated and then suddenly stopped the bus, causing her to fall on the floor. Ad damnum \$10,000. *Trial set for March 31, 2004. (COLLIC)

GOROKHOV, VIKTOR V. MONTGOMERY COUNTY, MARYLAND, ET AL.

CCMC, Civil No. 246305. WMS #02-2669. The Plaintiff was an 80-year old bus passenger and he claims that the bus pulled forward before he was seated and then stopped suddenly when an unidentified vehicle allegedly cut in front of the bus, thereby causing him to sustain injuries. An answer and discovery have been filed. Discovery is on-going. Ad damnum \$200,000. (FREDEC)

KEATS, WILFRED V. ANDERSON, AGNES LILLIAN, ET AL.

CCMC, Civil No. 247433. WMS# 01-822. Plaintiff claims property damage and personal injuries when a Ride-On bus allegedly collided with his vehicle while making right turn onto Rockville Pike. *Answer filed. (MULLOH)

MCDOWELL, MONICA LYNN V. STACKHOUSE, WILLIAM RANDOLF, ET AL.

*DCMC, Case No.060100016282004. WMS # 04-369. Plaintiff claims personal injuries when a Ride-On bus allegedly failed to stop and struck Plaintiff's vehicle which was stopped in the curb lane with flashing emergency lights. Ad damnum \$25,000. Trial set for April 21, 2004. (VIAPP)

NDEMBO, CHRISTINE V. EDWARDS, THELMA, ET AL.

CCMC, Civil No. 238732. Plaintiff, a Ride-On bus passenger, alleges negligent driving caused her to be ejected from her seat on the bus. Answer filed. Discovery has begun. A stipulation has been reached whereby the bus operator will be dismissed because she was not negligent, but liability will be admitted on the issue of maintenance. Additionally, the potential damages will be capped at \$20,000. The case was settled before arbitration. * Closing documents complete. Ad damnum \$500,000. (FREDEC)

NJOKU, MARTIN V. MONTGOMERY COUNTY

DCMC, Case No. 060200063952003. Plaintiff bus passenger alleges personal injuries when the Ride-On bus collided with another vehicle while entering the intersection. Ad damnum \$10,000. Discovery ongoing. Trial date 10/29/03. Plaintiff seeking continuance. Another defendant driver has been added to the suit --J. Feng.* New trial date to be set. (LEONAP)

OKOLO, CATHERINE V. WMATA, ET AL.

CCMC, Civil No. 247387. WMS #03-3472. The plaintiff complains of personal injuries when the Ride-On bus driver allegedly began driving the bus prior to plaintiff being seated. Complaint alleges that the driver slammed on the brakes causing Ms. Okolo to fall. Plaintiff also has sued WMATA. Ad damnum \$1 million. Answer filed and discovery served. (LEONAP)

RUBIO, EDGAR V. BARBER, LISA, ET AL.

DCMC, Case No. 060100051522003. Plaintiff, a Ride-On bus passenger, claims personal injuries in a sudden stop incident. Plaintiff alleges that Ride-On bus driver suddenly applied brakes to avoid collision with a motor vehicle, which cut off the bus, causing him to fall backwards and sustain injuries. Ad damnum \$10,000. Interrogatories served; cross claim and motion to dismiss filed. Motion denied by court. Plaintiff amended complaint to add another party and uninsured motorist claim. * Trial rescheduled to April 28, 2004. (VIAPP)

STUCKEY, SHERYL V. LEMMET, ET AL.

CCMC, Civil No. 243195V. Plaintiff claims personal injuries and property damage. She alleges that a Ride-On bus rear-ended her vehicle when she stopped at a red traffic signal. Ad damnum \$200,000. Answer filed. *Discovery ongoing. (MULLOH)

SUDELL, DENISE V. MONTGOMERY COUNTY, MARYLAND, ET AL.

CCMC, Civil No. 246769. WMS# 01-2746. Plaintiff alleges that the Ride-On bus driver started the bus before she was seated, causing her to fall and sustain injury to her left knee. Ad damnum \$1 million. Scheduling conference held January 16, 2004. Discovery sent, and witnesses interviewed. *Depositions completed. Discovery dispute pending in the Circuit Court. (COLLIC)

TAE, MOON/ALLSTATE V. MONTGOMERY COUNTY

DCMC, Case No. 060200107292003. Plaintiff, through insurance company, Allstate, sues Montgomery County for an automobile accident that occurred on April 22, 2002. Plaintiff alleges property damage when a Montgomery County vehicle, abruptly and without warning, merged into the lane occupied by her and thereby collided with her vehicle. Ad damnum \$1,048.42. Plaintiff's request for continuance was granted. New trial date has not yet been set. (COLLIC)

TARK, ANGELA V. MONTGOMERY COUNTY GOVERNMENT, ET AL.

DCMC, Case No. 060200220832003. WMS #02-3533. Plaintiff claims personal injuries and property damage when a Ride-On bus allegedly failed to yield right of way while making a left hand turn and collided with her vehicle. *Trial March 3, 2004. Ad damnum \$10,000. (MULLOH)

THACH, LEECOLN V. HALL, RONALD EARL, ET AL.

DCMC, Case No. 060200192262003. Plaintiff alleges personal injury and property damage when a Ride-On bus negligently attempted to change lanes into plaintiff's lane, and in order to avoid being struck by the bus, plaintiff spun around and thereby struck a third vehicle. Ad damnum \$12,000. Answer filed. *Trial set for 4/7/04. (MULLOH)

Sheriff's Office

SHELBY INSURANCE COMPANY(PATRICIA WATERS) V. KERICH, COLEEN, ET AL.

DCMC, Case No. 060200150482003. WMS #03-2161. Plaintiff claims property damage when Montgomery County Sheriff's vehicle allegedly backed out of Bel Pre Drive in Silver Spring, without the use of headlights, resulting in collision with his vehicle. The MVA Report attached with the lawsuit reveals that the plaintiff failed to reduce speed and collided with Sheriff's vehicle which was stopped in traffic after backing out of Bel Pre Dr. Ad damnum \$1,747.32.

*Trial April 14, 2004. (MULLOH)

PERSONNEL - AP4-4

Office of Human Resources

WMS 01-1408

*Grievant contests the Department's failure to promote him to lieutenant in Sept. and May 2001. (LAMSOB)

WMS 02-4357

*Employee filed 4-4 grievance contesting non-selection for promotion to rank of District Chief; waiting for finding of fact and determination from CAO under AP 4-4. (LAMSOB)

WMS 03-1606

* This employee is grieving a failure to be promoted, under the County's Employee Grievance Procedure, A.P. 4-4. A grievance meeting was held on September 4, 2003, and we are awaiting a CAO decision on the grievance. (STEVED)

PERSONNEL - DISABILITY RETIREMENT APPEALS

Office of Human Resources

WMS 01-2891

*Employee worked in the Housing Opportunities Commission as a Residence Manager. The Disability Retirement Panel granted non-service disability retirement due to pre-existing medical condition. Appellant has appealed the decision to the Disability Retirement Board. Parties are waiting case to be scheduled. (LAMSOB)

WMS 02-1415

* This employee is appealing the CAO's decision denying a service-connected disability retirement benefit. The Disability Arbitration Board (DAB) conducted an arbitration hearing on 6/28/02, and we are awaiting a decision. (STEVED)

WMS 02-3120

*Disability Retirement Appeal before DRB filed March 2003; waiting for hearing date. (LAMSOB)

WMS 03-1287

Firefighter appeals decision of Medical Review Panel denying service connected disability. Arbitration held July 1, 2003. Awaiting Disability Arbitration Board's decision. (WINDLA)

WMS 03-1602

* This employee is appealing a CAO's decision denying a service-connected disability retirement benefit. The Disability Arbitration Board will be conducting an arbitration hearing on November 7, 2003. (STEVED)

WMS 03-2084

Employee denied disability retirement by Medical Review Panel, appeals to Disability Arbitration Board. Date of arbitration not yet set. (WINDLA)

WMS 03-875

* This employee is appealing the CAO's denial of a non-service-connected disability retirement benefit. The Disability Arbitration Board conducted a hearing on July 29, 2003, and we are awaiting a decision. (STEVED)

PERSONNEL - EEOC

Office of Human Resources

WMS 02-731

This former employee has complained to the EEOC about encountering discrimination from supervisors regarding day-to-day working conditions on the basis of the employee's sex. The EEOC has terminated its investigation and issued a "right to sue" letter. * As of the fall of 2003, we are awaiting the filing of a lawsuit. (STEVED)

WMS 03-1601

*Employee alleges that County discriminated against her based on her disability. The county failed to change her schedule due to her disability. (LAMSOB)

WMS 03-876

Individual worked as an OSC for an LFRD and is not a County employee. Individual contests her termination from the LFRD and claims that the LFRD separated her because it perceived her as having a disability. (LAMSOB)

PERSONNEL - HUMAN RELATIONS COMMISSION

Department of Corrections and Rehabilitation

WMS 01-2083

This former employee is complaining to the County's Office of Human Rights (OHR) about a failure to be promoted as a result of race and gender discrimination. * The OHR's Transition Employment Panel held a hearing in this case on October 9, 2003, and we are awaiting a decision. (STEVED)

Office of Human Resources

WMS 00-1394

*Procurement employee contests OHR's failure to place him on the well qualified list for promotional opportunity. (LAMSOB)

WMS 01-2646

*Grievant serves as a FFIII in DFRS and filed HRC charge of discrimination (HRC E-02631 and EEOC Charge No. 12GA10064) alleging that the County discriminated against her based on sex (hostile work environment) and retaliated against her for testifying against male officers. The County also wrongfully dismissed her from the paramedic training program. (LAMSOB)

WMS 01-3744

Grievant claims the Police Department discriminated against her for failing to grant her vol. transfer. Grievant claims she was better qualified and had more experience (13 years) than the officer who received the position. Waiting for reply from HRC. (LAMSOB)

WMS 01-683

This employee is complaining to the County's Office of Human Rights (OHR) about a lack of promotion resulting from gender discrimination. * We are in the process of negotiating with the Complainant (with the Office of Human Rights as an intermediary) in an attempt to resolve this Complaint by way of a settlement. (STEVED)

WMS 02-141

*Employee filed HRC Case alleging that County terminated her employment, due to ancestry. Case pending before HRC. (LAMSOB)

WMS 02-2450

* Employee worked for Dept. of Procurement and dismissed during probationary period. Claims dismissed due to race and sex discrimination. (LAMSOB)

WMS 02-3119

* This former employee filed a Complaint with the County's Office of Human Rights (OHR) alleging a constructive discharge resulting from disparate treatment received due to the employee's national origin. The County has filed a response to the Complaint, and this matter remains under investigation by the OHR. (STEVED)

WMS 02-4360

*FF contends that the LFRD discriminated against her due to her sex; filed response to HRC and waiting for determination (LAMSOB)

WMS 03-1296

* This former employee has complained to the County's Office of Human Rights (OHR) about a termination based on alleged national origin discrimination. The County has responded to the Complaint, and the matter is under investigation by the OHR. (STEVED)

Office of Procurement

WMS 9304683

*This employee is asserting race discrimination in employment complaint. It is alleged that the employee was subjected to disparate treatment in work assignments and other working conditions. The Office of Human Rights has the complaint under investigation, and we are awaiting a decision. (STEVED)

PERSONNEL - MERIT SYSTEM PROTECTION BOARD

Department of Fire and Rescue Services

WMS 00-3109

Employee filed MSPB appeals (MSPB Case # 01-02) concerning the CAO's conclusion that the Employee Retirement System does not permit a refund for overpayment of purchase of military time. (LAMSOB)

Office of Human Resources

WMS 02-1177

*MSPB appeal filed by 14 employees contesting rate of compensation and salary compression; Case pending before the MSPB. (LAMSOB)

WMS 02-2344

Employee contesting denial of promotion to Captain on March 24, 2002; Employee appealed to MSPB (LAMSOB)

WMS 02-2358

*Correctional Officer terminated for leave abuse; MSPB sustained termination; appealed to Circuit Court. (LAMSOB)

WMS 03-1780

Merit Board appeal by employee who was demoted due to a RIF and OHR's granting of service need exceptions to 2 less senior employees. Board hearing held 10/20/03. Appellant has five days to file comment on MSPB case referenced by County. Two hours of transcript did not record. Redo of first part of hearing scheduled for 11/20/03. By decision released December 30, 2003, the Board found in favor of the County and denied employee's complaint. Employee has 30 days to file petition for judicial review with the Circuit Court. Employee did not petition for judicial review within time limit. Case closed.
(WINDLA)

WMS 9604741

This is a promotional grievance filed by an employee of the Police Department. * The Merit Board issued a decision denying the grievance. The Grievant has petitioned the Circuit Court to review the Merit Board's decision. (STEVED)

WMS 9707355

This is a promotional grievance filed by an employee of the Police Department. * The Merit Board issued a decision denying the grievance. The Grievant has petitioned the Circuit Court to review the Merit Board's decision. (STEVED)

PERSONNEL - UNION ARBITRATION

Department of Police

WMS 9707783

FOP filed grievance for officer who had fatal motor vehicle accident; he contests the finding of the Collision Reconstruction Unit and his transfer from Shift 7 to Shift 3 at the Wheaton District station. (LAMSOB)

WMS 99-750

* Employee contests calculation of overtime under contract. (LAMSOB)

Office of Human Resources

WMS 01-99

OP contract grievance. Civilian police employee (Police Services Aide) applied to be police officer, was terminated part way through field training, demoted to PAA. Bifurcated case. Arbitrator found issue arbitrable. Hearing on merits scheduled for November 6. Arbitrator cancelled hearing. Rescheduled for January 6, 2004. (WINDLA)

WMS 03-2058

* The employees' Union invoked arbitration on this class grievance complaining about the abolishment of visitor parking on the G-2 level of the EOB Garage. The Union alleges a violation of a Memo of Understanding between it and the County which provided that unit members could park free of charge in visitor parking on the G-2 EOB Garage level. (STEVED)

WMS 03-2082

* This is a Union grievance challenging the involuntary transfer of an employee. The arbitration hearing is scheduled for October 30, 2003. (STEVED)

WMS 03-2368

*FOP grievance concerning involuntary transfer. Scheduling for hearing. (LAMSOB)

WMS 03-2457

* This employee's union is prosecuting a grievance to arbitration on behalf of the employee. The grievance challenges an involuntary transfer. No arbitration date has yet been scheduled. (STEVED)

WMS 03-539

* The employees' union is prosecuting a grievance on their behalf asserting that they should be temporarily promoted (retroactively) because they are "working out of class." The arbitration of this temporary promotion grievance is scheduled for November 13, 2003. (STEVED)

WCCAPPEAL

BURDETTE, BONNIE J.

CCMC, Civil No. 220855. County appeals WCC finding that claimant sustained accidental injury. Discovery ongoing. Case stayed for 60 days. *Case remanded to WCC. (MULLOH)

BURTON, CHARLES

*Employer's appeal underway. (BEAMEJ)

DINGLE, JOSEPH A

The Workers' Compensation Commission found the worker to have sustained hypertension in the course of his employment. The County appealed this decision on December 24, 2003. This firefighter came into the County with a history of hypertension controlled by medication. At present, the firefighter shows no sign of disablement. (KARPEW)

DREDGER, BRIAN M.

County appealed on whether the Claimant is actually disabled. Discovery has been completed. Pre-trial is set for June 6, 2003. Summary Judgment has been filed. Argument on the County's Summary Judgment Motion is scheduled for July 2, 2003. Summary Judgment denied on July 2, 2003. County reasserted the Motion for Summary Judgment on date of trial--September 2, 2003. Judge Mason Granted the County's Motion for Summary Judgment. The Commission is overturned and the Claim for compensation is disallowed based on no disablement.* Claimant filed Motion for reconsideration and County filed an opposition to the Motion for Reconsideration. There remains no decision on the motion for reconsideration as of 12/18/03. (KARPEW)

FORGETTE, BARBARA

The Commission determined that this woman's injury to her neck and back arose out of and in the course of her employment and that the disability is related to her employment. Since she was in the process of getting a ride home at the time of the accident and she was still treating for back injuries at the time of the accident, the Board appealed the finding. (KARPEW)

GILER, LILIANA M.

Appealed accidental injury on June 4, 2003. County contends that there was no new injury. She had a pre-existing unstable ankle and she initially said the injury occurred on a date that she did not work. The date was amended at the hearing to 2/18/01. Discovery has been completed. *Offered 5K to fully and finally settle this claim. Trial Date is February 10, 2004 if offer is not accepted.
(KARPEW)

GILER, LILIANA M.

Claimant appealed the Commission's denial of medical treatment and temporary total disability. She did not treat for this injury until she had a subsequent re-injury. Discovery Completed.*Offered 5K to fully and finally settle this claim. Trial Date is February 10, 2004 if offer is not accepted. (KARPEW)

HARDY, JOHN

*Appealed the determination that the claimant had a compensable workers' compensation injury. There was no disablement. (KARPEW)

HERSHBERGER, AMY L.

*Claimant's appeal underway. (BEAMEJ)

HOLMES, ROBERT W.

CCMC, Civil No. 228171. Claimant appeals WCC decision regarding amount of permanent partial disability award. Discovery sent. (KARPEW)

HOUSE, CHRISTOPHER

This case was found to be a compensable accidental injury to the back based on repetitive lifting by the Workers' Compensation Commission. The County appealed. Claimant offered to settle the matter for \$20,000. County rejected the offer.*County propounded discovery. No discovery propounded by the Claimant to date. Claimant informed County by letter that discovery would be completed by December 22, 2003. Pre-trial is set for January 23, 2004. (KARPEW)

JONES, JOSEPH E.

CCPG, Civil No. 01-0284. Claimant appeals WCC permanency award. Discovery ongoing.* order of court dismissing with prejudice (KARPEW)

JONES, ROBERT S.

*Employer's appeal underway. (BEAMEJ)

LOVEJOY, DARIA

*Claimant's appeal underway. (BEAMEJ)

MASLOWSKA-KUBSIK, MARIA M

*Claimant's appeal underway. (BEAMEJ)

MATTHIS, DANA

*Employer's appeal underway. (BEAMEJ)

PERRY, CHRISTOPHER S.

County filed an appeal on the issue of disablement. Discovery was propounded on May 20, 2003, and responded to on the same date. Dispositive Motion Deadline is July 30, 2003. Will file a motion for summary judgment upon receipt of the answers to my discovery. Received answers to discovery. Revealed documentation of disablement. Accordingly, there is no basis for appeal and will file a stipulation of dismissal.* Stipulation of dismissal filed. (KARPEW)

PINTHIÈRE, FRANTZ

*Claimant's appeal underway. (BEAMEJ)

RHODERICK, GARY

*Award of Compensation by the Commission was appealed by the County. The Commission found that a new back injury was related to his falling off the second rung of a ladder onto both of his feet even though there was a ten month lag in treatment from the date of the original "injury." Discovery has been answered by the County and propounded by the County. (KARPEW)

RICKETTS, JANICE L.

*Claimant's appeal underway. (BEAMEJ)

SALVATIERRA-SINN, MILLARAY

Employee appealed Commission's order finding no accidental injury. County propounded discovery on May 14, 2003. The other side has not made any discovery demands to date. Discovery answered. Witnesses notified for trial date. Settlement Offer made by claimant. County declined. Bench Trial Date of October 30, 2003. *Trial held on October 31, 2003. Judge Dugan remanded the matter back to the Workers' Compensation Commission to determine if the injury was causally connected to the on the job incident. (KARPEW)

SPRADLIN, JOANNIE M

*Claimant's appeal underway. (BEAMEJ)

TORRE, JOHN

*Claimant's appeal underway. (BEAMEJ)

WALSTON, SYBIL M.

*Claimant's appeal underway. (BEAMEJ)

WILLEY, RICHARD

*Employer's appeal underway. (BEAMEJ)

WILLIAMS, ALICE M.

CCMC, Civil No. 221652. Plaintiff appeals WCC decision denying compensation for accidental injury. Discovery ongoing. Case stayed for 60 days. Trial held. Verdict for Employer/Insurer, BOE. *Closed.
(MULLOH)

Department of Fire and Rescue Services

GILBERT, JOHN W.

Firefighter developed throat cancer due to work as a firefighter. Commission found the claim compensable and that the permanency rating was 50% to the body as a whole and 130 weeks for disfigurement as a result of teeth extraction. County appealed as there was no apportionment to his smoking history and that the disfigurement was not causally related to the throat cancer. Discovery Complete. Filed a Motion to Strike Expert Opposing Expert Witness. Filed Motion for Partial Summary Judgment.*After an evidentiary hearing on December 10, 2003, Judge Donahue signed an order finding that the claimant sustained a permanent partial disability of 75% of which 50% was related to his job as a firefighter. The order also indicated that the disfigurement would be compensated at the second tier rather than serious disability rate for a savings of \$30,400. (KARPEW)

Montgomery County Government

WILLIAMS, BERNARD E.

*Claimant's appeal underway. (BEAMEJ)

Montgomery County Public Schools

SAMBUCO, ANTONINA P.

*Claimant's appeal underway. (BEAMEJ)

DIVISION SUMMARIES

I. LITIGATION DIVISION

The Litigation Division defends the County and other Self-Insurance Fund members in legal actions alleging constitutional and common law torts, employment discrimination, medical malpractice, ADA and IDEA violations, workers' compensation claims and challenges to County laws.

CASE CLOSEOUT REPORT FOR JULY 1, 1998, THROUGH FEBRUARY 26, 2004

The following summarizes the disposition of 763 liability cases that were closed by the Litigation Division from July 1, 1998, through February 26, 2004.

Disposition	Number of Cases (FY 2004)	Number of Cases (Cumulative)	% of Cases (FY 2004)	% of Total Cases (Cumulative)
Voluntary Dismissal	10	86	12%	12%
Resolution by Motion	31	291	37%	38%
(Motion to Dismiss)	20	191	24%	25%
(Motion for Summary Judgment)	11	100	13%	13%
Defense Verdict/Judgment	9	96	11%	13%
Plaintiff Verdict/Judgment	7	29	8%	3%
Settled	27	261	32%	34%
Total	84	763	100%	100%

Explanation of Categories

Voluntary Dismissal. Plaintiffs sometimes voluntarily dismiss their cases. They do this for a variety of reasons: we file a dispositive motion against which they decide they will be unsuccessful, new facts come to light that make their success appear unlikely, or other unknown reasons.

Resolution by Motion. A motion is a request (generally in writing) to the court seeking to have the court dismiss a case or render judgment for the moving party. Motions generally contain legal argument in support of the resolution being sought. The two most common motions are motions to dismiss and motions for summary judgment.

Defense Verdict/Judgment. Judgment at trial before a judge or jury that finds in favor of the defense.

Plaintiff Verdict/Judgment. Judgment at trial before a judge or jury that finds in favor of the plaintiff.

Settlement. The parties agree that payment of some funds should be made to the plaintiff to resolve the case and conclude it.

Favorable Outcome. Any case that results in a judgment or verdict in favor of Montgomery County or another Self-Insurance defendant is considered to have a favorable outcome. We also consider any case to have a favorable outcome where we attempted to settle, the plaintiff rejected our offer of settlement, the judge/jury finds in favor of the plaintiff, but awards a figure lower than our last offer.

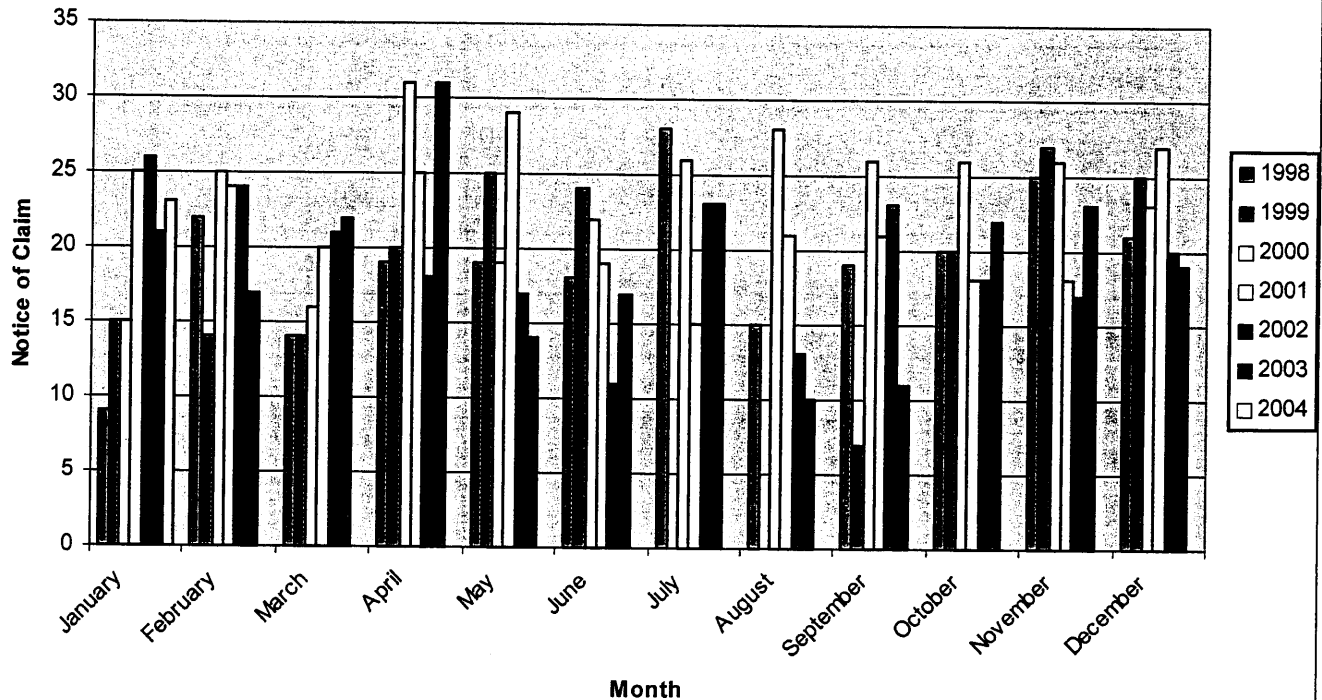
SELECTED LITIGATION ACTIVITIES

Month	New Lawsuits	Closed Cases
January 2003	11	6
February 2003	14	3
March 2003	8	8
April 2003	17	18
May 2003	13	10
June 2003	20	8
July 2003	10	15
August 2003	14	4
September 2003	13	17
October 2003	12	12
November 2003	13	11
December 2003	14	11
January 2004	11	11
February 2004	18	3

**WORKERS' COMPENSATION SCHEDULED HEARINGS
MONTHLY COMPARISON**

	2001	2002	2003	2004
January	88	119	219	170
February	83	84	125	159
March	69	121	124	
April	106	136	121	
May	109	125	115	
June	118	104	110	
July	74	106	130	
August	136	96	107	
September	47	95	116	
October	111	127	180	
November	118	104	147	
December	98	91	114	
TOTAL	1,156	1,308	1,608	329

NOTICES OF CLAIM



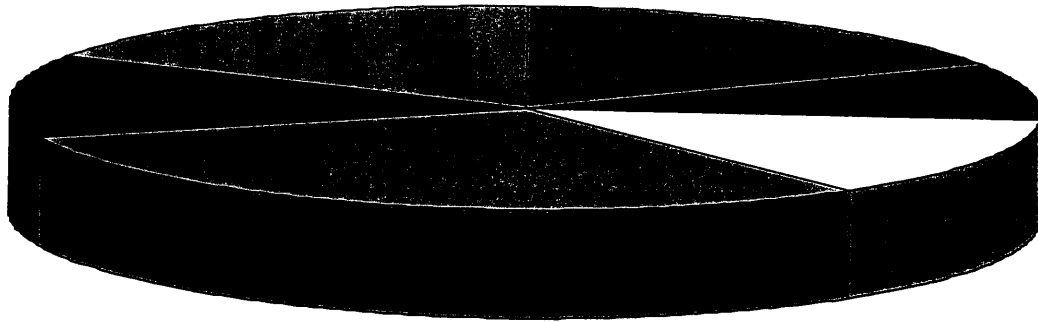
The Local Government Tort Claims Act requires any person who has been injured by a local government and who intends to sue to send a Notice of Claim to that local government within 180 days from the date of injury.¹ Without this notice, persons generally are not permitted to sue a local government or government employee.

This chart represents a month-by-month comparison of the Notices of Claim received by Montgomery County from January 1998 to January 2004.²

¹ The Local Government Tort Claims Act is in Sections 5-301 through 5-304 of the Courts and Judicial Proceedings Article of the Maryland Code Annotated. A local government, for purposes of the Act, includes all Maryland counties, Baltimore City and various municipal corporations.

² Data from the months of July and August 1999 are unavailable as this office was phasing in a new work management system during that time.

Notices of Claim - January 2004



■ Board of Education	■ Corrections & Rehab.
□ Public Works & Transp.	■ Police Dept.
■ M-NCPPC	■ Ride-On

The above chart shows how the number of notices of claim are distributed among some of our client agencies and departments within Montgomery County in the month of January 2004.

See the following page for breakdown by agency.

NOTICES OF CLAIM BY AGENCY/DEPARTMENT

AGENCY/DEPARTMENTS	Total 2001	Total 2002	Total 2003	Total 2004 YTD
Board of Appeals	0	0	0	4
Board of Education	32	26	29	0
City of Rockville	2	4	2	0
Corrections & Rehabilitation	26	14	5	2
Fire & Rescue Commission	1	0	0	0
Fire & Rescue Services	6	7	6	0
Health & Human Services	6	7	3	0
Housing & Community Affairs	3	4	1	0
Housing Opportunities Commission	1	2	4	0
Human Rights Commission	0	0	0	0
Libraries	0	1	0	0
Liquor Control	2	1	1	0
Misc.	19	17	28	0
Montgomery College	1	1	1	0
M-NCPPC	14	10	6	3
Permitting Services	3	2	2	0
Police Department	43	46	57	7
Public Works & Transportation- Ride-On	55	58	44	4
Public Works & Transportation- Other	32	26	37	3
Recreation	1	2	1	0
Sheriff	7	0	3	0
Wash. Suburban Sanitary	8	1	0	0
TOTAL	262	229	230	23

SUBROGATION

SUBROGATION CLAIMS RECEIVED AND DOLLAR AMOUNTS SOUGHT

Department	No. of Claims Received During January	FY04 Year to Date Claims Received	Total Amount of Dollars Sought by New Claims During January	Fiscal Year to Date Dollars Sought
County Police	0	8	\$0.00	\$76,206.17
Finance	0	3	\$0.00	\$269.22
Maryland-National Capital Park & Planning Commission	0	2	\$0.00	\$47,330.00
Montgomery County Public Schools	0	3	\$0.00	\$28,773.56
Public Works & Transportation	0	12	\$0.00	\$53,253.71
Recreation	0	0	\$0.00	\$0.00
Other Agencies	0	6	\$0.00	\$27,725.34
TOTAL	0	34	\$0.00	\$233,558.00

SUBROGATION CLAIMS CLOSED AND PAID

Department	No. of Claims Closed During January	FY04 Year to Date Claims Closed	Total Amount of Dollars Paid During January	Fiscal Year to Date Dollars Paid
County Police	1	21	\$0.00	\$72,720.52
Finance	0	3	\$0.00	\$7,319.22
Maryland-National Capital Park & Planning Commission	0	3	\$0.00	\$3,000.00
Montgomery County Public Schools	0	8	\$0.00	\$11,607.66
Public Works & Transportation	0	10	\$25.00	\$16,323.43
Recreation	0	0	\$0.00	\$0.00
Other Agencies	1	13	\$0.00	\$23,687.21
TOTAL	2	58	\$25.00	\$134,658.04

II. GENERAL COUNSEL DIVISION

The General Counsel Division provides legal advice and acts as counsel to the County Executive and the County Council, as well as over 40 County departments, agencies, boards and commissions. The Division also prosecutes municipal infractions.

CODE ENFORCEMENT

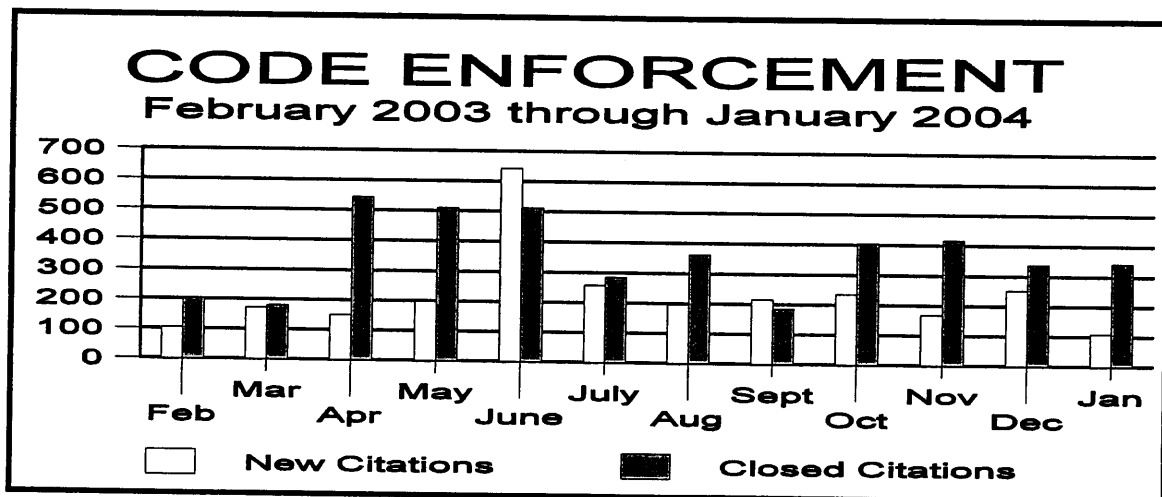
In January 2004, the Code Enforcement team litigated 212 cases in Montgomery County District Court, resulting in judgments totaling \$25,200.00. The team received 108 new citations during the month, as itemized below with the amount of fines sought by those citations. A total of \$21,272.09 was collected in fines from outstanding cases for FY04. The County closed 73 outstanding cases after collecting fines and/or having violations abated, or referring cases to the Debt Collection Unit, during the month.

CITATIONS RECEIVED BY DEPARTMENT AND FINES SOUGHT

Department	No. of Citations Received During January	FY04 Year to Date Citations Received	Total Amount of Fines Sought by New Citations During January	FY04 Fiscal Year to Date Fines Sought
Animal Services Division	11	199	\$2,700.00	\$53,400.00
Board of License Commissioners	9	26	\$4,500.00	\$13,500.00
County Police	3	81	\$700.00	\$16,900.00
Environmental Protection	0	29	\$0.00	\$14,500.00
False Alarm Reduction Unit	1	16	\$500.00	\$9,000.00
Fire & Rescue Services	1	12	\$500.00	\$5,000.00
Health & Human Services	0	3	\$0.00	\$150.00
Housing & Community Affairs	32	346	\$13,250.00	\$169,850.00
Metro Police	21	197	\$1,150.00	\$12,160.00
Permitting Services	7	213	\$3,500.00	\$110,250.00
Public Works & Transportation	3	62	\$1,500.00	\$27,350.00
Taxi Services	20	250	\$2,100.00	\$30,100.00
TOTAL	108	1434	\$30,400.00	\$462,160.00

CITATIONS CLOSED BY DEPARTMENT AND AMOUNTS COLLECTED

Department	No. of Citations Closed During January	FY04 Year to Date Citations Closed	Total Amount of Fines Paid During January	FY04 Fiscal Year to Date Fines Paid
Animal Services Division	28	350	\$1,050.00	\$14,865.00
Board of License Commissioners	5	42	\$1,000.00	\$7,160.00
County Police	22	135	\$1,270.00	\$7,080.00
Environmental Protection	5	26	\$710.00	\$3,945.00
False Alarm Reduction Unit	6	18	\$0.00	\$4,005.00
Fire & Rescue Services	6	15	\$500.00	\$1,750.00
Health & Human Services		0		\$0.00
Housing & Community Affairs	128	623	\$1,235.00	\$34,025.00
Metro Police	53	195	\$847.00	\$3,915.00
Permitting Services	15	262	\$6,550.00	\$72,260.00
Public Works & Transportation	1	58	\$100.00	\$7,345.00
Taxi Services	73	318	\$8,010.09	\$20,190.09
TOTAL	342	2042	\$21,272.09	\$176,540.09



CONTRACTS/PROCUREMENT

See Appendix A.

LAND USE CASES

The following advanced takings and condemnation cases for road projects have been filed in the Circuit Court:

Pending Filed Condemnations

509521 Falls Road Bike Path

North, Carlton O., et al., WMS 02-4272. Filed 02/19/03. Settled 10/20/03.

509521 Falls Road Bike Path

Thompson, Joseph, et al., WMS 02-4273. Filed 02/19/03. Settled 11/17/03.

509321 Norbeck Road Extended

Jones, Robert & Ida, WMS 99-1544. Filed 11/04/03.

Pending Advance Takings Filed

509781 Briggs Chaney Road

Gudelsky Assoc. I, WMS 97.06038. Filed 07/02/98.

509942 Briggs Chaney Road, East of Rt. 29

Robey Road Property Partnership, WMS 01-3028. Filed 01/09/03.

509942 Briggs Chaney Road, East of Rt. 29

Bottling Group, LLC, WMS 01-3026. Filed 01/09/03.

509942 Briggs Chaney Road, East of Rt. 29

E. L. Dieudonne, Jr., et al., WMS 01-3025. Filed 01/09/03.

509942 Briggs Chaney Road, East of Rt. 29

SSC Acquisitions, Inc., WMS 02-4330. Filed 02/07/03.

509954 Germantown Road Extended

Neelsville Community Association, WMS 01-3262. Filed 12/28/01.

JAJ Blunt Road Ltd. Partnership, WMS 01-3263. Filed 12/28/01.

Middlebrook Manor North Homeowners Association, Inc. WMS 01-3265.
Filed 12/28/01.

500105 Goshen Road Bridge

Goshen Run Homeowners Association, Inc., WMS 02-1662. Filed 07/23/02.

507017 Intersection Improvements

Barman (Amoco), WMS 89.21962. Filed 08/04/89. Contract pending.

Exxon, WMS 97.04842. Filed 08/04/89. Contract received.

79-9169 Jonesville/Jerusalem

Coleman, WMS 87.02321. Filed 08/14/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

Dorsey, WMS 87.02317. Filed 07/23/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

Genues. Filed 07/23/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

Harper, C., WMS 87.02855. Filed 08/14/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

Harper, R., WMS 87.02312. Filed 07/23/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

Heitmuller, WMS 87.02322. Filed 08/14/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

Jerusalem Bap Ch., WMS 87.02323. Filed 08/27/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

Johnson, WMS 87.02316. Filed 07/30/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

Lyles, WMS 87.02318. Filed 07/29/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

Noland. Filed 09/02/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

Owens, WMS 87.02313. Filed 07/23/80. DPWT staff undertaking final negotiations with some owners; title and appraisal updates will be ordered by DPWT.

500110 Ken Branch Road Storm Drain

Kyriakopoulos, Nicholas & Irene, WMS 02-2413. Filed 09/10/03.

508625 Middlebrook Road

Gunners Lake Two Condominium Unit Owners. Filed 09/24/97. Condominium council requests settlement delay until project is completed.

500311 Montrose Parkway West

Wilgus Associates Limited Partnership, WMS 03-1395. Filed 06/23/03.

Montrose Medical Associates, LLC, WMS 03-1396. Filed 06/23/03.

509321 Norbeck Road Extended

Johnson, Lancelot, et al., WMS 97.06249. Filed 04/13/00. In negotiation.

Keibler, Barbara Ann Revocable Trust; Brogan, Margaret B., WMS 97.06248. Filed 04/13/00. In negotiation.

Nine, Robert & Helen, WMS 99-1548. Filed 03/24/00. In negotiation.

Payne, Joseph T. & Dorothy E. Filed 04/28/00. In negotiation.

509274 Robey Road

Bleil, D., WMS 97.08192. Filed 05/14/99. In negotiation.

Greencastle Manor. Filed 05/14/99. Individual contracts being negotiated with unit owners.

Greencastle Manor II. Filed 05/21/99. Individual contracts being negotiated with unit owners.

Vineyards Condominium Unit Owners. Filed 12/14/98. Individual contracts being negotiated with unit owners.

LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS HEARING BOARD CASES

An alternate administrative hearing board procedure is used for cases started after July 1, 1996, for members of the bargaining unit. Under the alternate procedure, the Police Department and the FOP each select a board member. The County and the FOP jointly select a third board member from a panel of outside arbitrators.

Trial Board Cases — 2001

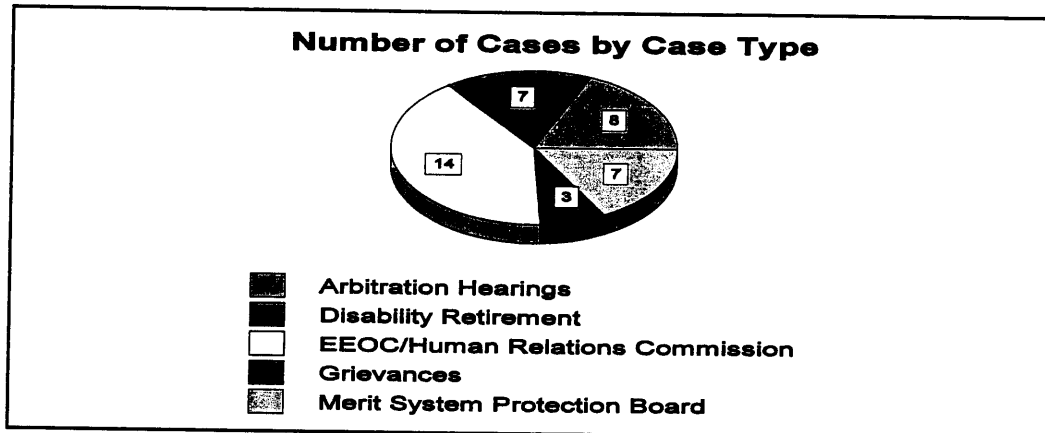
Case No.	Date	Charge(s)	Outcome
00-47	08/01	Inattentiveness to duty and neglect of duty/unsatisfactory performance	Settled by agreement on non-disciplinary counseling.
00-0059-FI	11/01	Use of force	Trial Board found officer not guilty.
00-0089-FI	11/01	Abuse of authority and use of force	Trial Board found officer not guilty.
00-91	10/01 11/01	Officer #1: Unsatisfactory performance Officer #2: Unsatisfactory performance	Officer #1: Accepted discipline. Officer #2: Case administratively closed after further review.
00-80	12/01	Officer #1: Lack of courtesy Officer #2: Lack of courtesy and discrimination	Case administratively closed after civilian witness permanently relocated out of the country.
01-0004-FI	12/01	Neglect of duty/unsatisfactory performance	Trial Board found officer guilty; discipline is pending

Trial Board Cases – 2002

Case No.	Date	Charge(s)	Outcome
00-056-FI	01/02 02/12	Conformance to law Conduct unbecoming Conduct unbecoming	Guilty on charge 1 Not guilty on charge 2 Guilty on charge 3 discipline pending

PERSONNEL/LABOR RELATIONS CASES

The following chart identifies the numbers and types of personnel cases being handled by the General Counsel Division.



Appendix B contains a summary of the General Counsel Division's Personnel Administrative Hearings Practice Group's non-SIF personnel cases.

III. SPECIALIZED UNITS

APPEALS UNIT

The following tables reflect appellate wins and losses so far this fiscal year, the new appeals and closed appeals, and the distribution of new appeals by agency. For comparison, the same information is included for FY02 and FY03.

WINS AND LOSSES

	FY04 To Date	FY03	FY02
Wins	2	19	18
Losses	4	7	4

NEW AND CLOSED CASES

	FY04 To date	FY03	FY02
New	15	28	28
Closed	18	36	20

From time to time, the County participates in cases involving other counties as an amicus curiae (friend of the court). Doing so enables the County to submit a brief discussing aspects of a case that may have an impact on the County or on parties other than those directly involved in the case. In *Edwards System Technology v. Corbin*, the County participated as an amicus curiae along with Baltimore County, Howard County, and Prince George's County. Each jurisdiction has enacted local employment discrimination laws, and the case involved the validity of the State law authorizing an individual to initiate a private cause of action based on those local laws. The Court of Appeals' decision upholding the validity of the State law enables these counties to continue to provide a meaningful avenue for relief to those who live and work in those counties.

Distribution of New Appeals by Agency

Agency	FY 02	FY03	FY04
Animal Matters Hearing Board	-	-	--
Board of Appeals	-	1	1
Board of Education	3	5	1
Corrections & Rehabilitation	1	-	1
County Council	3	-	--
County Executive	-	-	--
Environmental Protection	-	-	--
Finance	1	2	1
Fire & Rescue	-	2	--
Health & Human Services	2	3	--
Housing & Community Affairs/COLTA	1	1	3
Housing Opportunities Commission	-	-	--
Human Resources	--	1	--
Human Rights Commission	--	1	2
Liquor Control	2	-	--
Merit System Protection Board	-	-	--
Montgomery County	5+	1	3
Permitting Services	1	1	--
Police Department	4	7	2
Procurement	1	-	--
Public Works & Transportation	1	3	1
Revenue Authority	2	-	--
Rockville City	1	-	--
Totals	28	28	15

- * The Department of Health and Human Services and the Department of Permitting Services are co-appellees in one of these appeals.
- ** Montgomery County and the Department of Public Works and Transportation are co-appellees in one of these appeals.
- *** The Merit System Protection Board and the Police Department are co-appellees in two of these appeals.
- **** When adjusted to eliminate the overlapping agencies, the total number of new cases is 34.
- + Two of these cases involve the County participating as an *amicus curiae*.

CHILD AND ADULT PROTECTIVE SERVICES UNIT

The County Attorney's Child and Adult Protective Services Unit represents the Department of Health and Human Services' Division of Child Welfare Services in Juvenile Court, which is now part of the Circuit Court for Montgomery County. The Unit also represents the Department's Adult Protective Services and Public Guardianship units in the Circuit Court.

Action- Child Welfare Services/ Juvenile Court	FY 2001	FY 2002	FY 2003	FY 2004 To Date
Number of Children in Need of Assistance (CINA) or Guardianship Hearings	1614	1534	1580	939
Number of New CINA Petitions Filed	275	219	273	187
Number of CINA Cases Closed	300	239	248	110
Number of New Termination of Parental Rights (TPR) Petitions Filed	35	54	36	19
Number of TPRs Granted	42	25	54	17
Number of New Adoption Petitions Filed	61	40	28	19
Number of Adoptions Granted	60	39	25	16

The CAPS Unit also represents the Public Guardianship Program, a highly specialized department within DHHS. For adults under 65, the Director of the Department of Health and Human Services may be appointed as guardian of the person. For adults over 65, the Director of the County Office on Aging may be appointed as guardian of the person. For both age groups, Maryland law stipulates that the County may only be appointed as guardian as a last resort, when there are no other viable alternatives.

Action - Adult Protective Services/Circuit Court	FY 2001	FY 2002	FY 2003	FY 2004 To Date
Number of Adult Guardianship Hearings	36	37	54	27
Number of Adult Guardianship Petitions Filed	19	18	14	8

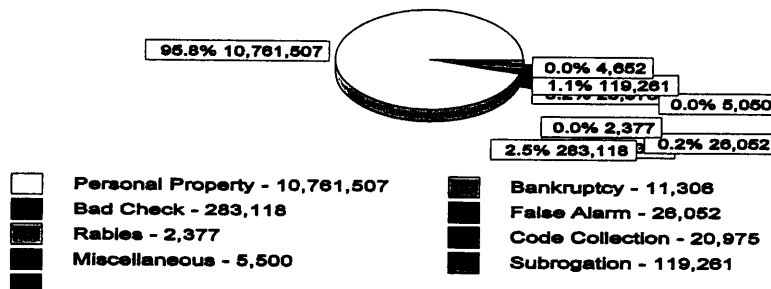
DEBT COLLECTION UNIT

Between January 1, 2004 and January 31, 2004, the Debt Collection Unit collected \$1,302,972.49, for a total collected for FY04 of \$11,235,778.89.

FISCAL YEAR COMPARISON OF COLLECTIONS					
MONTH	2001 GROSS	2002 GROSS	2003 GROSS	2004 GROSS	03/04 Over/(Under)
July	\$ 233,550.45	\$ 474,960.60	\$ 266,498.32	\$ 288,515.93	\$ 22,017.61
August	\$ 221,134.25	\$ 313,661.84	\$ 251,600.37	\$ 207,488.82	\$ (44,111.55)
September	\$ 348,039.15	\$ 201,642.02	\$ 683,112.77	\$ 3,157,659.16	\$ 2,474,546.39
October	\$ 601,417.36	\$ 256,593.32	\$ 798,854.35	\$ 3,639,236.13	\$ 2,840,381.78
November	\$ 1,361,778.61	\$ 1,355,557.61	\$ 662,028.21	\$ 2,370,581.06	\$ 1,708,552.85
Decemer	\$ 662,465.89	\$ 122,182.93	\$ 585,474.48	\$ 269,325.30	\$ (316,149.18)
January	\$ 787,124.41	\$ 752,277.02	\$ 818,026.52	\$ 1,302,972.49	\$ 484,945.97
February	\$ 519,610.83	\$ 320,913.29	\$ 859,821.73		
March	\$ 1,584,492.38	\$ 422,674.87	\$ 2,054,573.64		
April	\$ 509,583.55	\$ 336,586.40	\$ 661,956.86		
May	\$ 4,469,234.96	\$ 2,093,361.50	\$ 419,719.04		
June	\$ 833,499.52	\$ 356,224.65	\$ 816,984.44		
Totals	\$12,131,931.36	\$ 7,006,636.05	\$ 8,877,600.73	\$ 11,235,778.89	\$ 7,170,183.87

Amount Collected by Case Type

Fiscal Year 2004



**BAD CHECK AND PERSONAL PROPERTY TAX (PPT)
CASE REFERRALS**

		FY2000	FY2001	FY2002	FY 2003	FY2004
July	Bad checks PPT	168 167	153 0	130 0	13 3	228 0
August	Bad checks PPT	47 757	193 0	171 0	302 1,081	0 0
September	Bad checks PPT	367 124	64 0	152 0	240 1	1 7,444
October	Bad checks PPT	141 82	601 0	138 116	61 6	415 1
November	Bad checks PPT	150 2	0 0	218 10	0 3	77 0
December	Bad checks PPT	65 1	146 0	98 1,296	232 33	259 3
January	Bad checks PPT	99 2	223 0	113 356	115 669	128 1
February	Bad checks PPT	0 1	83 2	200 5,283	220 0	
March	Bad checks PPT	308 3	189 14	151 0	165 4	
April	Bad checks PPT	141 0	87 0	50 1	11 5	
May	Bad checks PPT	286 5,927	121 4,767	111 1	274 7	
June	Bad checks PPT	55 0	112 0	163 0	77 2	
Total Bad Checks		1,827	1,972	1,695	1,710	1,108
Total PPT		7,066	4,783	7,063	1,814	7,449
<u>TOTAL</u>		8,893	6,755	8,758	3,524	8,557
<u>Avg/mo bad check</u>		152	164	141	143	158
<u>Avg/mo PPT</u>		589	398	588	151	1,064

***CONTRACTS REVIEWED BY DIVISION OF GENERAL
COUNSEL***

January 16, 2004 - February 15, 2004

APPENDIX A

PROC MATTERS - DAYS IN OFFICE BY CLIENT/AGENCY

Contracts closed from January 16, 2004 - February 15, 2004

<i>WMS NO.</i>	<i>CAPTION</i>	<i>DATE OPENED</i>	<i>STATUS</i>	<i>CLIENT/AGENCY</i>	<i>ATTY</i>	<i>DATE CLOSED</i>	<i>DAYS IN OFFICE</i>
04-145	ISECURETRAC CORP AMENDMENT NO. 1	1/28/04	CLOSED	C&R	MARSIA	1/28/04	0
04-309	JUSTICE BENEFITS, INC AMENDMENT 1	2/13/04	CLOSED	C&R	MARSIA	2/13/04	0
04-117	MED-ENG SYSTEMS, INC	1/20/04	CLOSED	DFRS	MARSIA	1/22/04	2
04-191	MARYLAND FIRE EQUIPMENT CORPORATION AMENDMENT NO. 4	2/2/04	CLOSED	DFRS	MELNIR	2/2/04	0
04-124	VOICE PRINT ATTACHMENT	1/22/04	CLOSED	DIST	MELNIR	1/22/04	0
04-125	SUNGARD RECOVERY SERVICES LP AMENDMENT NO. 17	1/22/04	CLOSED	DIST	MELNIR	1/22/04	0
04-210	VOICE PRINT INTERNATIONAL INC.	2/4/04	CLOSED	DIST	MELNIR	2/4/04	0
04-212	CINGULAR WIRELESS INC.	2/4/04	CLOSED	DIST	MELNIR	2/4/04	0
04-256	VERIZON MARYLAND, INC., CONTRACT # 0344000022AA, AMENDMENT # 7	2/9/04	CLOSED	DIST	MELNIR	2/9/04	0

Monday, February 23, 2004

<i>WMS NO.</i>	<i>CAPTION</i>	<i>DATE OPENED</i>	<i>STATUS</i>	<i>CLIENT/AGENCY</i>	<i>ATTY</i>	<i>DATE CLOSED</i>	<i>DAYS IN OFFICE</i>
04-267	AT & T CORPORATION, CONTRACT # 4344000115AA	2/9/04	CLOSED	DIST	MELNIR	2/10/04	1
04-241	E-Core Inc.- Sole Source Procurement	2/2/04	CLOSED	DLC	MELNIR	2/5/04	3
04-225	TITO CONTRACTORS, CONTRACT # 0508000082AA, AMENDMENT # 6	2/5/04	CLOSED	DPWT	BASAME	2/5/04	0
04-257	JOHNSON, MIRMIRAN & THOMPSON, CONTRACT # 9504001020-DD, AMENDMENT # 4	2/9/04	CLOSED	DPWT	BASAME	2/10/04	1
04-258	WALLACE, MONTGOMERY & ASSOCIATES, LLP, CONTRACT # 9404001020CD, AMENDMENT # 6	2/9/04	CLOSED	DPWT	BASAME	2/10/04	1
04-270	FIRST TRANSIT, INC., d/b/a FIRST VEHICLE SERVICES, CONTRACT # 0507000009AA, AMENDMENT # 8	2/9/04	CLOSED	DPWT	BASAME	2/10/04	1
04-271	FIRST TRANSIT, INC. d/b/a FIRST VEHICLE SERVICES, CONTRACT # 0507000009AA, AMENDMENT # 9	2/9/04	CLOSED	DPWT	BASAME	2/10/04	1
04-273	CENTURY ENGINEERING, INC., CONTRACT # 9504001021CC, AMENDMENT # 5	2/10/04	CLOSED	DPWT	BASAME	2/10/04	0
04-146	XEROX CORPORATION AMENDMENT NO. 2	1/26/04	CLOSED	DPWT	MARSIA	1/27/04	1
04-172	BIGNELL WATKINS HASSER ARCHITECTS	1/30/04	CLOSED	DPWT	MARSIA	2/3/04	4
04-173	SERCO MANAGEMENT SERVICES, INC.	2/2/04	CLOSED	DPWT	MARSIA	2/3/04	1

Monday, February 23, 2004

<i>WMS NO.</i>	<i>CAPTION</i>	<i>DATE OPENED</i>	<i>STATUS</i>	<i>CLIENT/AGENCY</i>	<i>ATTY</i>	<i>DATE CLOSED</i>	<i>DAYS IN OFFICE</i>
04-175	SHAFFER, WILSON, SARVER AND GRAY PC	2/2/04	CLOSED	DPWT	MARSIA	2/2/04	0
04-176	KILBERT INC.	2/2/04	CLOSED	DPWT	MARSIA	2/2/04	0
04-177	SETTY AND ASSOCIATES LTD	2/2/04	CLOSED	DPWT	MARSIA	2/2/04	0
04-296	FIRST TRANSIT, INC., d/b/a/ FIRST VEHICLE SERVICES, CONTRACT # 0507000009AA, AMENDMENTS # 8 & 9	2/12/04	CLOSED	DPWT	MARSIA	2/12/04	0
04-158	AVANCO INTERNATIONAL, INC.	1/28/04	CLOSED	DPWT	WILSOW	1/30/04	2
04-207	FITCH & COMPANY, INC., CONTRACT # 4509000121	2/4/04	CLOSED	DPWT	WILSOW	2/4/04	0
04-228	FITCH & COMPANY, INCORPORATED, CONTRACT # 4509000121	2/5/04	CLOSED	DPWT	WILSOW	2/6/04	1
04-22	OPEN SOLICITATION # 4645001023, ESCORTED TRANSPORTATION SERVICES FOR ELDERLY & DISABLED ADULTS	1/8/04	CLOSED	HHS	MATHUR	1/20/04	12
04-120	DADE BEHRING, INC., CONTRACT # 4648001009AA, AMENDMENT # 2	1/22/04	CLOSED	HHS	MATHUR	1/27/04	5
04-160	GEORGIAN FOREST ELEMENTARY SCHOOL, CONTRACT# 4644006161AA	1/28/04	CLOSED	HHS	MATHUR	1/29/04	1
04-289	DEPOSITION SERVICES, INC., CONTRACT # 4101000010AA	2/11/04	CLOSED	HHS	MELNIR	2/12/04	1

Monday, February 23, 2004

<i>WMS NO.</i>	<i>CAPTION</i>	<i>DATE OPENED</i>	<i>STATUS</i>	<i>CLIENT/AGENCY</i>	<i>ATTY</i>	<i>DATE CLOSED</i>	<i>DAYS IN OFFICE</i>
04-321	XEROX CORPORATION CONTRACT # 3711000029AA, AMENDMENT # 1	2/13/04	CLOSED	LIBR	MELNIR	2/13/04	0
04-165	ADVANCED PUBLIC SAFETY, INC.	1/30/04	CLOSED	MCPD	THOMPAN	1/30/04	0
04-178	ADVANCED PUBLIC SAFETY, INC.	2/2/04	CLOSED	MCPD	THOMPAN	2/3/04	1
04-261	PUBLIC SAFETY TRAINING CONSULTANTS	2/9/04	CLOSED	MCPD	THOMPAN	2/10/04	1
04-265	INNOVATIVE SURVEILLANCE TECHNOLOGY, INC.	2/9/04	CLOSED	MCPD	THOMPAN	2/10/04	1
04-88	CLASS SOFTWARE SOLUTIONS, LTD.	1/14/04	CLOSED	RECR	WILSOW	1/20/04	6
04-119	CLASS SOFTWARE SOLUTIONS, LTD.	1/21/04	CLOSED	RECR	WILSOW	1/22/04	1
04-291	CITY OF TAKOMA PARK	2/10/04	CLOSED	RECR	WILSOW	2/13/04	3
<i>Total Count</i>	39				<i>Average days in office</i>		1

Monday, February 23, 2004

NON-SIF PERSONNEL CASES

STATUS REPORT **OF NON-SIF PERSONNEL CASES** **HANDLED BY THE DIVISION OF GENERAL COUNSEL**

This report has been prepared by the attorneys in the Personnel/Administrative Hearings Practice Group within the Division of General Counsel.

The non-SIF personnel cases being handled by the Personnel/Administrative Hearings Practice Group are listed in summary form. Since administrative cases involving employees are confidential (this information is public information once a suit is filed in court), the names of the employees involved in the cases have not been provided. The information is grouped by the administrative forum in which the case is being heard (e.g., Merit System Protection Board, Human Rights Commission, etc.). Changes from the last report appear in bold print.

GLOSSARIES

GLOSSARY OF LEGAL TERMS

Ad damnum – That part of a Plaintiff's original court papers that sets out the money loss or "damages."

Amicus Curiae – Literally, a friend of the court. A non-party to a case who files a brief with the appellate court to propose a rationale consistent with its views.

Appellant – The person who appeals a case to a higher court.

Appellee – The party in a case against whom an appeal is taken.

Bifurcate Claims – Separate claims on different issues in the same case.

Brief – A written statement prepared in a lawsuit to explain a case to the judge. It usually contains a fact summary, law summary, and an argument about how the law applies to the facts.

Compensatory Damages – Actual damages directly related to the amount of loss.

Defendant – The person against whom a legal action is brought.

Deposition – The taking of a witness's sworn testimony out of court.

Discovery – The formal and informal exchange of information between sides in a lawsuit.

En banc – All the judges of a court participating in a case all together, rather than individually or in panels of a few.

Forma pauperis – The bringing of an action "as a pauper." Permission to sue in court without paying any court costs.

Injunction – A judge's order to a person to do or to refrain from doing a particular thing.

J.N.O.V. – (Judgement Notwithstanding the verdict) A judge's giving judgment to one side in a lawsuit even though the jury gave a verdict to the other side.

Motion for Summary Judgment – A request that a judge make a ruling which shows that there is no need to resolve any factual questions at trial.

APPENDIX B

Petition for Writ of Certiorari – A request by a party that a higher court ask the lower court for the record of the case.

Plaintiff – A person who brings a lawsuit against another person.

Pre-Suit Mediation – The County Attorney's Office reviews a claim in an effort to resolve it before a lawsuit is filed.

Pro hac vice – For this one particular occasion only.

Punitive Damages – Extra money given to punish the defendant and to help keep a particularly bad act from happening again.

Quantum Meruit – “As much as he deserved.” The theory of fair payment for work done.

Remand – To send back.

Res Ipsa Loquitur – A rebuttable presumption that a person is negligent if the thing causing an accident was in his or her control only, and if that type of accident does not usually happen without negligence.

Stay – To stop or hold off.

Sua sponte – Of his or her own will; voluntarily. On a judge's own motion, without a request from one of the parties.

Subrogation – The lawful substitution of a third party in place of a party having a claim against another party. Insurance companies, including the Montgomery County Self-Insurance Fund, generally have the right to step into the shoes of the party whom they compensate and sue any party whom the compensated party could have sued.

Tort – A legal wrong done to another person. For an act to be a tort, there must be: a legal duty owed by one person to another, a breach of that duty, and harm done as a direct result of the action.

Vicarious Liability – Legal responsibility for the acts of another person because of some relationship with that person (i.e. an employer for acts of an employee).

GLOSSARY OF COURTS AND CASE TYPES

Courts

CA – Court of Appeals

CCAAC – Circuit Court for Anne Arundel County

CCBC(ity) – Circuit Court for Baltimore City

CCCC - Circuit Court for Carroll County

CCFC - Circuit Court for Frederick County

CCHC - Circuit Court for Howard County

CCMC – Circuit Court for Montgomery County

CCNC – Circuit Court for the City of Norfolk

CCPG – Circuit Court for Prince George’s County

CSA – Court of Special Appeals

DCBC(ity) – District Court Baltimore City.

DCMC – District Court of Maryland for Montgomery County

DCPG – District Court of Maryland for Prince George’s County

Fourth Circuit – United States Court of Appeals for the Fourth Circuit. This is the intermediate appellate court for Maryland in the federal judicial system.

USDC – United States District Court

USDC/E.D.PA. – United States District Court for the Eastern District of Pennsylvania

Case Types

BD App. – Board of Appeals

CC App. – Circuit Court Appeal

CE – Code Enforcement

CDMN – Condemnation Case

MD-HRC – Maryland Human Relations Commission Case

MSPB – Merit System Protection Board

NSF – Non-Self Insurance Fund Case

NSF App – Non-Self Insurance Fund Appeal

PSM – Pre-suit Mediation

PSR – Pre-suit Resolution

SIF – Self Insurance Fund Case

SIF App – Self Insurance Fund Appeal

SUBRO – Subrogation Case

WCC – Workers' Compensation

WCC App – Workers' Compensation Appeal

Z/LU – Zoning/Land Use

ATTORNEYS AND PARALEGAL SPECIALISTS

Attorneys

BASAME	Eileen T. Basaman	MELNIR	Richard H. Melnick
BEAMEJ	John Beamer	MULLOH	Heather A. Mulloy
PEARSR	Ramona Bell-Pearson	NICHOJ	Jerome Nicholas
BURRES	Sharon V. Burrell	ODICKP	Peggy Odick
CARBOT	Thomas Carbo	PEDERN	Nadean Pedersen
COLLIC	Christine M. Collins	PASHLC	Christopher Pashler
DONOVN	Connie Donovan	ROBERJ	Joann Robertson
EVANSE	Elizabeth Evans	ROYALC	Clifford L. Royalty
FEDERK	Karen L. Federman Henry	SAVAGJ	James Savage
FERBEB	Betty N. Ferber	SCHULJ	Jodi Strauss Schulz
FISHEJ	John J. Fisher	JONESD	Diane R. Schwartz Jones
FONCAS	Scott Foncannon	SHAPEL	Loretta E. Shapero
FREDEC	Charles L. Frederick	SPICEM	Malcolm Spicer
FRYM	Michael Fry	STEVED	David E. Stevenson
GAULV	Vickie Gaul	THOMPC	Charles W. Thompson, Jr.
HANSEM	Marc P. Hansen	VIAP	Patricia P. Via
HINRIC	Christopher Hinrichs	WEILJ	Jennifer Weil
KARPEW	Wendy Karpel	WILSOW	Walter E. Wilson
LAMSOB	Bernadette F. Lamson	WINDLA	Anne T. Windle
LATTNE	Edward B. Lattner	WOLCOR	Roberta Wolcott
LEONAP	Paul F. Leonard, Jr.		

Paralegal Specialists

BRIGNB	Barbara Brignoli
GEMPES	Sharon M. Gemperle
JOHNSP	Patricia Johnson
JONESN	Nancy Jones
LILLAJ	Janita R. Lillard
MARSIA	Alexandra Marsico
POTISD	Donna Potisk